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GENERAL NOTICE

NOTICE 1292 OF 2005

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

INVITATION TO APPLY FOR RIGHTS TO UNDERTAKE COMMERCIAL FISHING FOR KWAZULU-NATAL SARDINE BEACH SEINE, OYSTERS, WHITE MUSSELS AND BEACH-SEINE (TREK-NET) AND GILLNET (DRIFT-NET, SET-NET) IN TERMS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT 18 OF 1998

Applications for rights to undertake commercial fishing are invited in the following (Cluster D) sectors:

1. KwaZulu-Natal Sardine Beach Seine
2. Oysters
3. White Mussels
4. Beach Seine (Trek-net) and Gillnet (Drift-net, Set-net).

Commercial fishing rights in the Cluster D sectors will be allocated by delegated authorities in terms of section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998). The following schedules are also published herewith:

1. Schedule A: the Fishery Specific Policies for KwaZulu-Natal Sardine Beach-Seine, Oysters, White Mussels and Beach Seine (Trek-net) and Gillnet (Drift-net, Set-net) in English, Afrikaans, isiXhosa and isiZulu.
2. Schedule B: the final specimen Application Forms for each of the Cluster D sectors listed above.
3. Schedule C: the final schedule of fees determined by the Minister in consultation with the Minister of Finance in terms of section 25(2) and section 25(1) of the Marine Living Resources Act. The schedule of fees published in Schedule E hereby repeal the provisions of clause 1(a) (i), (iv), (v), (vi), (viii) and (ix) of GN 26750 of 31 August 2004.

Departmental officials will establish mobile application centres along the coastline between Monday 28 November 2005 and Friday 2 December 2005, and unless otherwise announced applications will be receipted during this period only. Interested parties are advised to follow announcements made community radio stations, look out for posters at Fisheries Compliance Offices and harbours, and for vehicles with Marine and Coastal Management logos.

The following towns and surrounding communities will be visited during the application period:

- | | |
|-------------------------------------|---|
| ☐ Ebenhaeser | ☐ Groot Brak |
| ☐ Veldrift | ☐ Knysna |
| ☐ Langebaan | ☐ Port Nolloth |
| ☐ Kalk Bay | ☐ Hondeklipbaai |
| ☐ Arniston | ☐ Port Elizabeth |
| ☐ Mossel Bay | ☐ Durban |



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH MARINE AND COASTAL MANAGEMENT

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL FISHING
RIGHTS IN THE OYSTER FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION
AND MANAGEMENT OF LONG TERM COMMERCIAL FISHING RIGHTS: 2005 (available
at www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the Oyster Commercial Sector is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This policy must be read with the General Policy on the Allocation and Management of Long Term Commercial Fishing Rights: 2005 ("the General Policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of commercial oyster harvesting rights. Many of these considerations are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") in the past when allocating rights and to an extent this policy documents those considerations.

Certain post rights allocation management policy considerations are broadly elaborated on in this policy. An Oyster Sector Management Manual will be finalised with all right holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial Oyster harvesting rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to an official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this sector.

2. Biological Status of Oysters

The Cape Rock oyster, which is targeted in this fishery, has an extensive geographic distribution occurring on rocky reefs from Cape Agulhas to Mozambique. These oysters are found in the intertidal zone and up to about 6m water depths. The Cape Rock oyster is found naturally and is sold as "wild oysters" in South African restaurants. A cheaper oyster is the Pacific oyster which is imported and widely used in mariculture.

Oysters along the KwaZulu-Natal coast have been found to take 33 months (almost 3 years) to reach marketable size (60 mm Right Valve Length). Oysters are broadcast spawners. Oysters along the KwaZulu-Natal coast spawn throughout the year with peaks during spring and summer.

Harvesting takes place during spring low tides and traditionally was restricted to the intertidal zone, however in recent years there has been a gradual expansion of harvesting depth towards the fringes of the subtidal zone.

This is due to a decline in oyster density in the intertidal zone and a gradual increase in gear efficiency ("creeping effort"). Oysters are dislodged from rocks by means of a pointed steel crowbar.

3. Sector Profile

The oyster fishery was previously managed as two separate fisheries according to their areas of operation, namely the KwaZulu-Natal coast and the Southern Cape coast. Since 2002 the oyster fishery has been managed as a single national fishery. Under the new management system, four commercial oyster-harvesting areas are officially recognised, namely KZN North, KZN South, Port Elizabeth and the Southern Cape. Differences between the regulations and harvesting patterns in the regions continue to exist.

In KwaZulu-Natal (North and South coasts), the management approach previously adopted by the KwaZulu-Natal Provincial Government was retained. This entailed maintaining a system of effort limitations whereby the numbers of pickers are restricted and a daily bag limit of 190 oysters per picker per day is enforced. The KZN North and South coasts are further sub-divided into five zones each, which are harvested on a rotational basis. This requires that zones remain fallow for at least three years at a time (the optimal length of time required for oyster recruits to reach marketable size) thereby allowing for recovery of the oyster stock. This system applies to both the commercial and recreational sectors.

The oyster fishery along the Southern Cape coast is not managed by means of rotational harvesting, but by means of limiting the number of pickers, with no daily bag limit. Furthermore, effort has been split across areas in accordance with the extent of accessible oyster reef. The Southern Cape fishery is also controlled by a closed season from 15 December – 05 January. The closed season has been imposed to limit conflict between holidaymakers and the commercial oyster sector. In Port Elizabeth, no harvesting of oyster beds is practised, and only washed-up oysters are being collected.

The Total Applied Effort ("TAE") for the oyster fishery is currently not informed by scientific considerations or even the status of the resource, but is based on pre-2002 effort levels. Advancements in research and stock assessments for the oyster resource are required in order to properly determine sustainable harvesting levels. The current TAE (2005 season) was set at 145 pickers and is apportioned as follows:

- KZN North (25 pickers);
- KZN South (15 pickers);
- Southern Cape (102 pickers); and
- Port Elizabeth (3) pickers.

The TAE along the Southern Cape coast is further divided across zones, based on the extent of accessible oyster reef, and more specifically as follows:

- Heidelberg ("Witsand"): 10 pickers;
- Riversdale/Mossel Bay: 58 pickers; and
- George/Knysna: 34 pickers.

Limited commercial oyster rights were allocated in 2002 to empower a number of former subsistence fishers who were previously prevented from selling their subsistence harvests.

4. The Medium Term Rights Allocation Process

In 2002 commercial rights to harvest oysters were awarded to 34 applicants employing a total of 114 pickers. Of these, 88% were allocated limited commercial rights. Rights have been mainly awarded to natural persons (individuals). Individuals hold 91%, close corporations 3% and companies 6% of the rights.

Black persons hold only 25,8% of the individual rights, which is extremely poor for a fishery that is easily accessible, and requires minimal gear and capital outlay. Moreover, only 25,8% of the individual right holders are women.

Although the TAE was set at 145 pickers, only 114 pickers currently harvest oysters.

5. Over-all Sectoral Objectives

Read with the General Fisheries Policy, the purpose of this policy is to determine the criteria in terms of which oyster harvesting rights will be allocated. The objectives of allocating commercial fishing rights in this sector are to:

- Notably improve the transformation profile of this sector;
- Allocate oyster rights to those who depend on oyster harvesting for their livelihood;
- Empower oyster pickers;
- Ensure that rights are allocated in all the areas where oysters can be harvested; and
- Support the economic viability and environmental sustainability of the sector.

The Department is aware of and concerned about certain monopolistic practices in this sector (*see further paragraph 9 below*).

6. Duration of Rights

Commercial fishing rights will be allocated for a period not exceeding three (3) years. Long-term rights will only be considered when there is sufficient information on the status of the resource and when the transformation profile of the sector has improved significantly. The Department will also institute a socio-economic study in this fishery during the three year period in an attempt to address present imbalances in the sector.

7. New Entrants

Although the sector as a whole is currently overexploited, a number of oyster harvesting areas are currently not exploited at all. The Department requires that these areas be exploited in order to gain valuable information about the oysters in those areas. In addition, the sector is untransformed and dominated by a few persons to the detriment of others operating in the sector.

The delegated authority should therefore endeavour to allocate rights to new entrants in the areas where no medium term commercial oyster rights were allocated (but a TAE was set) and where the introduction of new entrants will improve the transformation profile of the sector.

8. Evaluation criteria

Applications for commercial oyster rights will be evaluated in terms of a number of exclusionary and balancing criteria.

8.1 Exclusionary Criteria

In addition to the exclusionary criteria stated in the General Fisheries Policy relating to improper lodgments and material defects, the following exclusionary criteria will be applied to both right holder applicants and new entrant applicants:

- (a) **Form of the Applicant:** Rights will only be allocated to natural persons (ie. individuals) who are pickers or who will employ pickers. The delegated authority should not allocate rights to oyster pickers who are listed in the applications of employers.
- (b) **Applications from families:** In general, only one right will be allocated per household. Where more than one application is received from family members who live at the same address, then all the applications may be excluded. More than one right may be allocated per family if applicants clearly and convincingly demonstrate that they have established separate small commercial operations.
- (c) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA the regulations, permit conditions or other serious fishery related offences, will not be allocated a right. Applicants that have had a right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a right. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, then the applicant will not be granted a right if the medium term right holder or one of its members, directors or controlling shareholders was convicted of a serious transgression or had a right cancelled or revoked. Other breaches of the Marine Living Resources Act will adversely affect applications, as set out below.
- (d) **Paper Quotas:** A paper quota as defined in the General Policy will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities will be excluded as fronts (paper quotas) regardless of the merits of individual applications.
- (e) **Non-utilisation of the resource:** Right holders that have failed to utilise their medium term commercial oyster right between 2002 and 2004 will not be re-allocated a right.
- (f) **Personal Involvement:** Applicants will be required to demonstrate that will be personally involved in the harvesting of oysters.
- (g) **Multi-sector Involvement:** Applicants in this fishery may not hold any other commercial fishing right, whether directly or indirectly as a shareholder or director of a company or member of a close corporation, in the Cluster A or Cluster B fisheries. Applicants in this

fishery may also not hold rights in other Cluster C and D fisheries, except in traditional line fish and hake handline.

8.2 Balancing Criteria

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria which will be weighted to assess the strength of each application:

(a) Transformation

The delegated authority will affirm black applicants as the transformation profile of this sector is particularly poor. Gender may be applied as a tie-breaking factor, if necessary.

(b) Investment in the Fishery

The delegated authority may consider investments made by applicants in the sector, including investments in processing or in the form of marketing, locally and internationally.

(c) Harvesting Performance

Right holder applicants will be assessed having regard to their oyster harvesting performance and record during the medium term rights allocation process.

New entrant applicants will be assessed having regard to their ability, knowledge and skill to harvest oysters.

(d) Reliance on Oysters

The delegated authority may prefer applicants who rely on oyster harvesting for a significant proportion of their gross annual income. Applicants who derive income from sources outside of the fishing industry may be negatively scored. Potential new entrants may be required to demonstrate their historical dependency on the oyster sector for their livelihood.

(e) Local Economic Development

The delegated authority should prefer those applicants who live near the area where the oysters are harvested. In this regard, the delegated authority should require the applicant to have lived in that area for a minimum period of four years.

(f) Compliance

Less than serious infringements of the MLRA, including its Regulations, by the applicant, should be negatively scored.

9. Monopolies and the Registration of Buyers

The Department is of the view that the potential of this sector has not been fully achieved due to the monopolisation of this sector by one or two groupings.

Not only has the growth of this sector been detrimentally affected as a result of the existence of monopolies, but pickers have been exploited. The existence of monopolies in this sector is unacceptable and should not be allowed to continue.

All persons intending to purchase oysters from right holders (pickers) will be required to register with the Department. The Department will not register buyers who have had a right or permit cancelled or revoked under the MLRA or buyers that have been convicted of an offence under the MLRA. Should the Department determine that registered buyers are colluding in the setting of prices for oysters, the Department shall intervene and act as the sole purchaser of oysters from oyster pickers.

10. Harvesting Oysters

Right holders and pickers will be allowed to harvest oysters using:

- wetsuits;
- weight-belts;
- masks; and
- snorkels.

Right holders and pickers may not use:

- fins;
- artificial breathing apparatus; and
- floating devices.

11. Application Fees

The fee payable on application for an oyster right is R100 (one hundred rand). This fee is non-refundable and must be paid in full.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. Provisional Lists

Before the delegated authority makes a final decision on the allocation of oyster rights, he or she may issue a provisional list of applicants for each area for comment.

13. Permit Conditions

Permit conditions for this sector will be issued annually. The permit conditions will be determined after consultation with right holders in the sector and will be subject to revision as and when it may be necessary.



DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

TAK MARIENE- EN KUSBESTUUR

**BELEID AANGAANDE DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE OESTERVISSERY : 2005**

**HIERDIE BELEID MOET SAAMGELEES WORD MET DIE ALGEMENE BELEID
OOR DIE TOEKENNING EN BESTUUR VAN LANGTERMYN KOMMERSIËLE
VISVANGREGTE : 2005 (beskikbaar by www.mcm-deat.gov.za)**

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1. Inleiding

Hierdie beleid oor die toekenning en bestuur van visvangregte in die kommersiële oester-sektor word uitgereik deur die Minister van Omgewingsake en Toerisme ("die Minister"). Hierdie beleid moet saamgelees word met die Algemene Beleid op die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Beleid").

Die doel van hierdie beleid is om die oorwegings van toepassing op die toekenning van kommersiële oester-oesregte uiteen te sit. Baie van hierdie oorwegings is nie nuut nie. Hulle is in die verlede deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement") gebruik by die toekenning van regte en tot 'n mate beliggaam hierdie beleid sodanige oorwegings..

Sekere voorgenome bestuursbeleidsrigtings vir die periode na die toekenning van regte, word breedvoerig in hierdie beleid uiteengesit. 'n Bestuurshandleiding vir die Oester-Sektor sal met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handleiding sal in fyn besonderhede die toepaslike bestuursmetodes en prosedures vir die visserij uitstippel.

Die Minister is voornemens om die artikel 18 bevoegdheid in terme waarvan kommersiële oesregte vir die oestervisserij toegeken word, ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne 18 van 1998 ("die WLMH") aan 'n beampte van die Departement te deleger. Hierdie beleid sal die gedelegeerde owerheid lei in besluite oor aansoeke in hierdie sektor.

2. Biologiese status van oesters

Die Kaapse Rotsoester wat in hierdie visserij geteiken word, kom voor op rotsriwwe in 'n uitgebreide geografiese gebied vanaf Kaap Agulhas tot by Mosambiek. Hierdie oesters word in die tussengety sone aangetref in dieptes van tot 6m. Die Kaapse Rotsoester word natuurlik gevind en word as "wilde oesters" in Suid-Afrikaanse restaurante verkoop. 'n Goedkoper oester is die sogenaamde "Pacific Oyster" wat ingevoer word en heelwat in marienkultuur gebruik word.

Daar is gevind dat oesters langs die KwaZulu-Natale kus 33 maande (feitlik 3 jaar) neem om bemarkbare grootte (lengte van 60 mm vir die regterskulp) te bereik. Oesters versprei eiers oor 'n uitgebreide gebied. Oesters langs die KwaZulu-Natale kus broei dwarsdeur die jaar met hoogtepunte gedurende lente en somer.

Oes vind plaas gedurende lae springgetye en was tradisioneel beperk tot die tussengety sone, maar gedurende die afgelope paar jaar het die oesdieptes geleidelik uitgebrei na die rante van die subgety-sone. Die rede is omdat oesterdigtheid in die tussengety sone afgeneem het en toerustingdoeltreffendheid geleidelik toegeneem het ("creeping effort"). Oesters word met 'n puntvormige staalkoevoet van die rotse losgemaak.

3. Sektorale profiel

Die oestervissery is vantevore bestuur as twee aparte visserye volgens die gebiede waar hulle voorkom, naamlik die KwaZulu-Natalse kus en die Suid-Kaapse kus. Sedert 2002 is die oestervissery as 'n enkele nasionale vissery bestuur. Volgens die nuwe bestuurstelsel is vier kommersiële oesgebiede amptelik erken, naamlik KZN-Noord, KZN-Suid, Port Elizabeth en die Suid-Kaap. Daar bestaan steeds verskille tussen die regulasies en oespatrone in die gebiede.

In KwaZulu-Natal (Noord- en Suidkus) is die bestuursbenadering van die KwaZulu-Natalse Provinsiale Regering behou. Dit behels handhawing van 'n stelsel in terme waarvan die getalle plukkers beperk word en 'n daaglikse sakperk van 190 oesters per plukker per dag afgedwing word. Die KZN Noord- en Suidkus is in vyf sones elk onderverdeel, wat op rotasiebasis geoes word. Dit verg dat sones vir minstens drie jaar op 'n slag braak lê (die optimale tydperk vir oesters rekrute om bemarkbare grootte te bereik) wat verseker dat oestervoorraad herstel. Hierdie stelsel is van toepassing op beide die kommersiële en ontspanningsektore.

Die oestervissery langs die Suid-Kaapse kus word nie volgens rotasie-oeste bestuur nie, maar deur die aantal plukkers te beperk sonder daaglikse sakperke. Verder is die ontplooiing van die vangspoging oor gebiede verdeel ooreenkomstig die hoeveelheid toeganklike oester riuwe. Die Suid-Kaapse vissery word ook beheer deur middel van 'n geslote seisoen vanaf 15 Desember tot en met 5 Januarie. Die geslote seisoen is ingestel om konflik tussen vakansiegangers en kommersiële oestersektore te beperk. In Port Elizabeth word die oesterbed nie geoes nie en slegs uitgespoelde oesters word ingesamel.

Die Totale Ontplooide Vangspoging ("TOV") vir die oestervissery word tans nie toegelig deur wetenskaplike oorwegings of die status van die bron nie, maar word gebaseer op vangspoging vlakke voor 2002. Vordering in navorsing en voorraadberamings is nodig om volhoubare oesvlakke behoorlik te bepaal. Die huidige TOV (2005-seisoen) was vasgestel op 145 plukkers en word as volg toegedeel:

- KZN Noord (25 plukkers);
- KZN Suid (15 plukkers);
- Suid-Kaap (102 plukkers); en

- Port Elizabeth (3 plukkers).

Die TOV langs die Suid-Kaapse kus word verder oor sones verdeel, gebaseer op die hoeveelheid toeganklike oesterriwwe, en meer spesifiek as volg:

- Heidelberg ("Witsand"): 10 plukkers;
- Riversdal/Mossel baai: 58 plukkers; en
- George/Knysna: 34 plukkers.

Beperkte kommersiële oesterregte is in 2002 toegeken ten einde 'n aantal voormalige bestaansgrondslagvisser te bemagtig wat vantevore verhoed is om hulle bestaans-oeste te verkoop.

4. Die proses van medium-termyn regtetoekenning

In 2002 is kommersiële oesregte toegeken aan 34 aansoekers, met 'n total van 'n 114 plukkers in diens. Van hierdie het 88% beperkte kommersiële regte ontvang. Regte is hoofsaaklik aan natuurlike persone (individue) toegeken. Individue hou 91%, beslote korporasies 3% en maatskappye 6% van die regte.

Swart persone hou slegs 25,8% van die individuele regte, wat uiters swak is vir 'n bedryf wat maklik toeganklik is, minimale toerusting en klein kapitale uitleg verg. Verder is slegs 25,8% van die individuele regtehouers vroue.

Hoewel die TOV vasgestel was op 145 plukkers, oes slegs 114 plukkers tans oesters.

5. Oorkoepelende sektorale doelwitte

Die doel van hierdie beleid, saamgelees met die Algemene Beleid, is om kriteria te bepaal waarvolgens oester-oesregte toegeken sal word. Die doelwitte met die toekenning van kommersiële oesregte in hierdie sektor is om:

- Die transformasieprofiel van die sektor merkbaar te verbeter;
- Oesterregte toe te ken aan diegene wat afhanklik is van die oes van oesters om 'n bestaan te maak;
- Oesterplukkers te bemagtig;
- Te verseker dat regte in al die gebiede waar oesters geoes kan word, toegeken word; en

- Die ekonomiese lewensvatbaarheid en omgewingsvolhoubaarheid van die sektor te ondersteun.

Die Departement is bewus van, en bekommerd oor sekere monopolistiese praktyke in hierdie sektor (sien verder paragraaf 9 hieronder).

6. Tydsduur van regte

Kommersiële oesregte sal vir 'n periode van nie langer as drie (3) jaar toegeken word. Langtermynregte sal oorweeg word slegs wanneer voldoende inligting oor die status van die bron bekend is en die transformasieprofiel van die sektor aansienlik verbeter het. Die Departement sal 'n sosio-ekonomiese studie tydens die drie-jaar tydperk instel in 'n poging om die huidige wanbalanse in die sektor aan te spreek.

7. Nuwe inkomelinge

Alhoewel die sektor as geheel tans oorontgin word is daar 'n aantal oesgebiede wat tans glad nie ontgin word nie. Die Departement vereis dat hierdie gebiede ontgin word ten einde waardevolle inligting oor oesters in daardie gebiede in te win. Verder is die sektor ongetransformeerde en word dit deur 'n paar persone oorheers tot nadeel van ander wat in die sektor werksaam is.

Die gedelegeerde owerheid behoort dus te streef om regte aan nuwe inkomeling aansoekers toe te ken in die gebiede waar geen medium-termyn kommersiële oesterregte toegeken is nie (maar 'n TOV vasgestel was) en waar nuwe inkomelinge die transformasieprofiel van die sektor sal verbeter.

8. Evaluasiekriteria

Aansoekers om kommersiële oesterregte sal volgens 'n aantal uitsluitings- en balanseringskriteria evalueer word.

8.1 Uitsluitingskriteria

Behalwe die uitsluitingskriteria in die Algemene Beleid oor die onbehoorlike indiening van vorms en wesenlike tekortkominge, sal die volgende uitsluitingskriteria op beide regtehouer-aansoekers en nuwe inkomeling aansoekers van toepassing wees:

- (a) **Vorm van die aansoeker:** Regte sal slegs toegeken word aan natuurlike persone (d.w.s. individue), wat plukkers is of wat plukkers sal in diens sal neem. Die gedelegeerde owerheid behoort nie regte toe te ken aan oesterplukkers wat gelys is in die aansoeke van werkgewers nie.
- (b) **Aansoeke van families:** Oor die algemeen sal slegs een reg per huishouding toegeken word. Waar meer as een aansoek van familieledede wat by dieselfde adres woon ontvang word, mag al die aansoeke uitgesluit word. Meer as een reg mag per familie toegeken word, as aansoekers duidelik en oortuigend kan aantoon dat hulle aparte klein kommersiële ondernemings gevestig het.
- (c) **Wetsnakoming:** Daar sal nie regte toegeken word aan aansoekers wat skuldig bevind is aan 'n ernstige oortreding van die WLMH, die regulasies, permitvoorwaardes of ander ernstige visserij verwante oortredings nie. Indien 'n 'n reg van die aansoeker gekanselleer of ingetrek is ingevolge die Wet op Lewende Mariene Hulpbronne, sal die aansoeker ook nie 'n reg ontvang nie. Indien die aansoeker 'n lid van 'n beslote korporasie of aandeelhouer van 'n maatskappy was wat 'n medium-termyn reg gehou het, sal daar nie 'n reg aan die aansoeker toegeken word, indien die medium-termyn regtehouer of een van sy lede, direkteur of beherende aandeelhouer skuldig bevind is aan 'n ernstige oortreding of 'n reg gehad het wat gekanselleer of ingetrek is. Ander oortredings van die WLMH sal aansoeke nadelig beïnvloed soos hieronder uiteengesit.
- (d) **Papierkwotas:** 'n Papierkwota soos in die Algemene Beleid bepaal, sal uitgesluit word. Groot groepe identiese of erg soortgelyke aansoeke, wat geborg is deur konsultante of kommersiële visvangmaatskappye en ander entiteite, sal uitgesluit word as fronte (papierkwotas), ongeag die meriete van die individuele aansoeke.
- (e) **Nie-gebruik:** Regtehouers wat versuim het om hulle medium-termyn kommersiële oesterregte tussen 2002 en 2004 te benut sal nie weer 'n reg ontvang nie.
- (f) **Persoonlike betrokkenheid:** Daat sal van aansoekers vereis word om aan te toon dat hulle persoonlik betrokke sal wees by die oes van oesters.

- (g) **Multi-sektorale betrokkenheid:** Aansoekers in hierdie visserij mag nie enige ander kommersiële visvangreg in Groep A of Groep B visserij hou nie, hetsy direk of indirek as 'n aandeelhouer of direkteur van 'n maatskappy of lid van 'n beslote korporasie. Aansoekers in die visserij mag ook nie regte hou in die Groep C en D visserij nie, behalwe in tradisionele lynvis en stokvis handlyn.

8.2 Balanseringskriteria

Regtehouer aansoekers en potensiële nuwe inkomelinge, sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal:

(a) Transformasie

Die gedelegeerde owerheid sal swart aansoekers ondersteun, omdat die transformasieprofiel van hierdie sektor besonder swak is. Geslag mag as 'n valbyl-faktor gebruik word, indien nodig.

(b) Belegging in die sektor

Die gedelegeerde owerheid mag oorweging gee aan beleggings gemaak deur aansoekers in die sektor, insluitend belegging in prosessering of in bemarking, sowel plaaslik as internasionaal.

(c) Oesprestasie

Regtehouer aansoekers sal evalueer word op grond van hulle oesprestasie en rekord gedurende die medium-termyn periode .

Nuwe aansoekers sal evalueer word op grond van hul vermoë, kennis en vaardigheid om oesters te oes.

(d) Afhanklikheid van oesters

Die gedelegeerde owerheid mag voorkeur gee aan aansoekers wat afhanklik is van die oes van oesters vir 'n aansienlike gedeelte van hulle bruto jaarlikse inkomste. Daar mag

negatiewe punte toegeken word aan aansoekers wat inkomste verdien uit bronne buite die visvangindustrie. Daar sal van potensiële nuwe inkomelinge vereis word om hul historiese afhanklikheid van die oestersektor vir hulle bestaan, aan te toon.

(e) Plaaslike ekonomiese ontwikkeling

Die gedelegeerde owerheid behoort voorkeur te gee aan aansoekers wat naby die gebied woon waar die oesters ge-oes word. In hierdie verband behoort die gedelegeerde owerheid te vereis dat die aansoeker al minstens vier jaar lank in daardie gebied woon.

(f) Wetsnakoming

Negatiewe punte behoort toegeken te word aan 'n aansoeker vir nie-ernstige oortredings van die WLMH, insluitend sy regulasies.

9. Monopolieë en die Registrasie van kopers

Die Departement is van mening dat die potensiaal van hierdie sektor nog nie ten volle bereik is nie, omdat een of twee groeperings die sektor monopoliseer.

Nie alleen is die groei van hierdie sektor benadeel as gevolg van die bestaan van monopolieë nie, maar plukkers is ook uitgebuit. Die bestaan van monopolieë in hierdie sektor is onaanvaarbaar en behoort nie toegelaat word om voort te duur nie.

Daar sal van alle persone wat van plan is om oesters van regtehouers (plukkers) te koop verwag word om te registreer by die Departement. Die Departement sal nie kopers registreer wie se regte of permitte gekanselleer of ingetrek is ingevolge die WLMH, of wat skuldig bevind is aan 'n oortreding van die WLMH nie. Indien die Departement vasstel dat kopers saamsweer om pryse vir oesters vas te stel sal die Departement tussenbeide tree en as alleen-koper van die oesters van oesterplukkers optree.

10. Die oes van oesters

Regtehouers en plukkers sal toegelaat word om die volgende te gebruik om oesters te oes:

- duikpakke;
- gewigsgordels;

- duikbrille; en
- snorkels.

Regtehouers en plukkers mag nie die volgende gebruik nie:

- duikvinne;
- kunsmatige asemhalingstoestelle; en
- drywende apparaate.

11. Aansoekgelde

Die fooi betaalbaar by aansoek vir 'n oesterreg is R100 (een honderd rand). Hierdie fooi is nie terugbetaalbaar nie en moet ten volle betaal word.

Die jaarlikse heffings betaalbaar met ingang van 1 Januarie 2006 sal bepaal word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

12. Voorlopige lys

Voordat die gedelegeerde owerheid 'n finale besluit neem oor die toekenning van oesterregte, mag hy/sy 'n voorlopige lys van aansoekers uitreik vir elkeen van die gebiede vir kommentaar.

13. Permitvoorwaardes

Permitvoorwaardes vir hierdie sektor sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na oorlegpleging met regtehouers in hierdie sektor en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.



**ISEBE LEMICIMBI YEZENDALO NOKHENKETHO
ICANDELO LOLAWULO LOLWANDLE NONXWEME**

**UMGAQO NKQUBO WOLWABIWO NOLAWULO LOSHISHINO LOKULOBA IIMBAZA:
2005**

**UMGAQO NKQUBO UMELE UFUNDWE KUNYE NOMGAQO NKQUBO
JIKELELE WOKWABIWA NOLAWULO LWENKQUBO YEXESHA ELIDE
YAMALUNGELO ORHWEBO LOKULOBA:2005 (iyafumaneka ku-[vw.mcm-
deat.gov.za](http://vw.mcm-deat.gov.za))**

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1. Intshayelelo

Lo mgaqo nkqubo wolwabiwo nolawulo lwamalungelo okuloba kwiCandelo Loshishino Ngeembaza ukutshwe nguMpathiswa Wecandelo Lezendalo Nokhenketho ("Umphathiswa"): Lo mgaqo nkqubo mawufundwe kunye Nomgaqo nkqubo Jikelele woLwabiwo noLawulo lwaMalungelo exesha elide Orhwebo Lokuloba lowama:2005 ("uMgaqo-nkqubo Jikelele").

Injongo yalo mgaqo-nkqubo kukumisela imiba eyakuthi isebenze kunikezelo lwamalungelo oshishino ngokuvuna limbaza. Eminye imiba ayimitshanga apha. Ibisele isetyenzisiwe liSebe Lezobume Bendalo Nokhekhetho: Isebe Lolawulo loLwandle noNxweme ("iSebe") kwixesha elidlulileyo xa kwakusabiwa amalungelo kunye kwaye ubukhulu bale nkqubo bubonisa ukubhalwa kwemithetho ngokulandelelanayo kwale miba.

Eminye imiba eyoyhi ilawule amalungelo anikezelweyo ichaziwe ngokubanzi kulomgaqo nkqubo. Ulawulo lwesikhokelo Nkqubo yoShishino Lwecandelo leeMbaza iyakuqunjelwa ngawo onke amalungu amelungelo ngexesha lalenkqubo ngowama-2006. Esi sikhokelo siyakunika inkcazelo emisa ulawulo lolwazi lwenkqubo kunye nenkqubo yendawo ekulotywa kuyo.

Umphathiswa uzimisele ukunika igunya lecandelo 18 lokunikezela ngamalungelo okuvuna iimbaza ngokuvisisana necandelo 79 le-Marine Living Resources Act 18 of 1998 ("the MLRA") kwigosa leSebe. Lo mqulu uya kukhokele lowo ugunyazisiweyo ekuthatheni izigqibo ngezicelo kwelicandelo.

2. Imvelaphi yeembaza

Imbaza icape Rock, ekujoliswe kuyo kwindawo ekulotywa kuzo, isasazeke ngokubanzi iyafumaneka kumatye angaphandle ukusuka kulwandle icape Agulhas ukuya eMozambique. Ezi mbaza zifumaneka kwindawo ebizwa ngokuba inamanzi amancinci okanye amaninzi anobunzulu obuqikelelwa kubunzulu obuyi-6m.

Olu hlobo lwembaza lolwendalo kodwa kwindawo zokutya eMzantsi Afrika ithengiswa njengeyona nto yakha yanexabiso elikhulu. Eyona mbaza inxabiso eliphantsi yimbaza efumaneka kunxweme iPacific ize ithunyelwe kwamanye amazwe ize isetyenziswe njengezona zityo zaselwandle zithandwayo.

Iimbaza kunxweme laseThekwini kufumaniseke ukubea zithatha iinyanga ezingama-33 (iminyaka emithathu) ukuze zibe kwixabiso lokuthengiswa (zibe bubukhulu obuyi-60 mm bubude Oyster Policy Xhosa: November 2005

obufanelekileyo).Iimbaza zisasaza amaqanda. Iimbaza kunxweme laseThekwini zizala unyaka wonke zizale ngakumbi entwasahlobo nasehlotyeni.

Zivunwa ngexesha apho amanzi akwiqondo elisezantsi kwaye ngokwesiko bezinomda ngokwendawo enamanzi okanye engenawo nangona kunjalo kwiminyaka esandula ukudlula bekusoloko kunyuka ubunzulu bokuvuna ngakumda okwindawo apho amanzi abamaninzi okanye abemancinci. Yenziwa kuphela kokuxinana kwembaza kwindawo esenokuba namanzi amaninzi okanye amancinci kunye nokunyuka okukhawulezileyo kwindlela yokuqhubela phambili (inzame ezicothayo) Iimbaza ziyasuswa ematyiweni ngosebenzisa ngolugxa.

3. Ubume belicandelo

Ushishino lwembaza lwangaphambili lwaluphethwe njengefishari ezimbini ezahlukeneyo zokusebenza, unxweme oluseThekwini kunye nonxweme olukumazantsi eKapa. Ukususela kowama-2002 lefishari yembaza ilawulwe njengefishari enye yesizwe. Phantsi kwenkqubo yolawulo entsha amaziko ama-4 oshishino ngokuvuna iimbaza zavunywa ngokusemthethweni, kunxweme ulosemantla nolusemazantsi eTheku, oluseBhayi kunye nolusemazantsi eKapa. Umahluko phakathi kwemiqathango kunye neendlela zokuvuna kwiziphaluka iyahubeka iyasebenza.

EThekwini (kunxweme ulosemantla nolusemazantsi), indlela yolawulo lwangaphambili yasetyenziswa yaze yagcinwa nguRhulumente wePhondo waseThekwini. Oku kuqulathe ukugcina inkqubo ethi amanani abakhi zimbaza banomlinganiselo wengxowa enye enembaza aziyi-190 ngosuku, lonto inyanzelakile. Unxweme ulosemantla nolusemazantsi eThekwini lohlulwe lwaba yimimandla emihlanu, , ethi ivunwe ngamaxesha ahlukeneyo. Lento yenza ukuba ezinye indawo zibe zizikhulela indalo yazo ngexesha kusavunwa ezinye iindawo ixesha elingangeminyaka emithathu (eli lixesha elifanelekileyo lokukhula kweembaza de zifikelele kwixabiso lokuthengiswa) kungoko kufuneka kunikwe ixesha lokukhula kwezikhondo zeembaza. Le nkqubo isebenza macala omabini eloshishinoo nakwicandelo lolonwabo..

Unxweme olukumazantsi eKapa alilawulwa ngendlela yokuvuna ejikelezayo, kodwa ngokulinganisela inani labavuni, ngaphandle kokumisela umlinganiselo wengxowa.. Ngaphezulu lemizamo inwenwele nakwezinye iindawo ngokuvisisana nokwanda kobutyebi kwendawo ekhula iimbaza. Indawo yokuloba ekunxweme elikuMzantsi weKapa lilawulwa ngokuvalwa ukususela ngowe-15 kweyoMnga ukuya kowe-5 kuJanyuwari. Olu valo lelivesha lonyaka lwanyanzeliswa ukunqanda ingxabano phakathi kwabachongi beeholide kunye necandelo loshishino ngeembaza. Ebhayi, iimbaza azivunwa zisekomandlalo kuqokelelwa ezo zisuswe ngamanzi kuphela.

INzame eziSetyenziswayo ziPhelele ("TAE") yokuloba iimbaza okwangoku ayikaziswa ngabe zinzululwazi yemiba okanye iwonga lobutyebi, libhekiselele kumngangatho womzamo ophambi kowama-2002. Inkqubela kuphando kunye nokunikwa kwamaxabiso kwembaza, kuyimfuneko ukwenzela ukumisa uphuhliso lomngangatho wokuvuna. I(TAE) ekhoyo kowama-2005 yenzelwe abakhi bembaza abangama-145 kwaye babelwe ngoluhlobo lulandelayo:

- KZN North (25 abavuni);
- KZN South (15 abavuni);
- Mzantsi Kapa (102 abavuni); ne
- Port Elizabeth (3) abavuni.

I-TAE kunxweme olusemazantsi eKapa iqhubela phambili ngokwahlula phakathi imimandla, libhekiselele kubukhulu bokufikelelwa kwendawo ezifanelekileyo zeembaza ingakumbi kwezi ndawo zilandelayo

- Heidelberg ("Witsand"): 10 abavuni;
- Riversdale/Mossel Bay: 58 abavuni; ne
- eRiversdale/Entla kwebhayibali: 58 abakha iimbaza
- George/Knysna: 34 abavuni.

Amathuba ambalwa oshishino abiwa ngowama-2002 kunikwe igunya iqaqobana labalobi bakudala abangazange bavunyelwe ukuthengisa izivuno ukuze baziphilise.

4. Inkqubo yolwabiwo lwamalungelo exeshana

Ngowe-2002 amalungelo oshishino okuvuna iimbaza anikezelwa kubaceli mvume abangama-34 baqesha abavuni abali-114. Ezi zipesenti ezingama-88 zabelwa amathuba ambalwa oshishino. Amalungelo anikezelwa ubukhulu becala kubantu bokwenene (abantu ngabanye). Abantu abafumana iipesenti ezingama-91 zeclose corporation iipesenti ezi-3 kunye nenkampani iipesenti ezi-6 zamalungelo.

Abantu abamnyama banepesenti ezingama-25,8 kuphela zamalungelo, eli linani elisezantsi ngokugqithileyo kwishishini lokuloba elifikeleleka lula, kwaye lifuna ubuncinane bezixhobo kunye nemali yendleko. Ngaphezulu, zipesenti ezingama-25,8 zabanamalungelo ezingabafazi.

5. Injongo zelicandelo eziqukayo

Xa ifundwa nenkqubo-jikelele yeefishariyabalobi, injongo yalenkqubo kukumisa indlela esisigqibo samalungelo okuloba imbaza ezakunikezelwa ngayo. Injongo zokwabiwa kwamalungelo okushishina kweli candelo lokuloba:

- Kukuphuculangokuphawulekayo ubume benguqu i kweli candelo lokushishina;
- Ukunikezelwa kwamagunya kwabo baxhomekeke ekuvuneni iimbaza ukuze baphile;
- Ukuxhobisa abavuni bembaza;
- Uqinisekisa ukuba amalungelo abelwe zonke iindawo apho iimbaza zingafumaneka khona; kunye
- Nokuxhasa ukubakho koqoqosho kunye nobume bemeko yendalo yokuphuhlisa eli candelo.

iSebe liyawuqonda kwaye lixhalabile ngomkhwa wabantu abaxhamla bodwa kwelicandelo (**khangela umhlathi we- 9 ngezantsi**)

6. Ithuba lamalungelo

Amalungelo okuloba azakunikezelwa kangangexesha elingadluliyo iminyaka emithathu. Amalungelo exesha elide ayakujongwa xa kukho ulwazi olwaneleyo kwiwonga lobutyebi kunye naxa ubume benguqu yeli candelo iphucukengokucacileyo. ISebe lizakuqalisa izifundo ezingemiba enxulumene noluntu kunye noqoqosho kwixesha leminyaka emiyathu yorhwebo yokuzama ukujongana nokungalingani kwelicandelo.

7. Abangeneleli abatsha

Nangona eli candelo lilonke lixhatshazwa kanobomi, indawo ezimbalwa zesivuno azizange zaqaliswa ukuxhatshazwa. ISebe lifuna ukuba ezindawo zixhatshazwe ukuze lifumane ulwazi olubalulekileyo ngembaza kwezindawo. Ukongeza icandelo alinazinguqu kwaye longanyelwe ngabantu abambalwa abasingela phantsi abanye abantu kwelicandelo.

Igosa elimiselweyo lifanele lizame ukwaba amalungelo kubangeneleli abatsha abakwindawo ezingazange zinikwe amalungelo exeshana (kodwa ITAE yayisekiwe) kwaye ukufakwa kwabangeneleli abatsha kuyakuphucula ubume benguqu yelicandelo

8. Indlela yokuhlola

Izicelo mvume zoshishino ngeembaza ziyakuhlola ngokwendlela zokukhetha nokulingana kohlobo.

8.1 Indlela yokuthintela

Ukwangeza kwimiqathango yokukhutshelwa ngaphandle ecaciswe kuMgaqo-Nkqubo Jikelele ngokubhekiselele kwindlela engafanelekanga yokufaka isicelo kunye nezozicelo zineziphene, lemiqathango ilandelayo yokukhutshelwa ngaphandle iyakusebenza kubo bobabini abafaki zicelo abo banelungelo kunye nabaqalayo.

- (a) **Uhlobo lomfaki sicelo:** Amalungelo aya kunikwa kuphela abantu nje (umntu oyedwa) abangabalobi okanye abaya kuqesha abalobi. Igosa elimiselweyo alifanele linikezele ilungelo kumlobi wembaza obhaliswe kwisicelo somqeshi wakhe.
- (b) **Izicelo ezivela kwintsapho:** Linye ilungelo eliyakuthi linikwe usapho ngalunye. Ukuba kuthe kwafunyanwa izicelo ezingaphezulu kwesinye zivela kumalungu osapho ahlala emzini omnye, zonke ezo zicelo aziyikwamkeleka. Xa kuthe kwabelwa amalungu osapho olunye ngaphezu kwesinye kufuneka abaceli mvume babonakalise ngokucacileyo ukuba banamashishini asakhulayo awohlukeneyo.
- (c) **Ukuthobela:** abacelinvume abafumaniseke benamatyala anobuzaza eMLRA imithetho, imiqathango yemvume okanye olunye ulwaphulo mthetho oluhamba noko, abayi kunikwa lungelo. Abafaki zicelo abaye bahluthelwa amalungelo okanye bophula imithetho yeMarine Living Resources Act nabo abayi kunikwa malungelo. Ukuba umfaki-sicelo ebelilungu le-close corporation okanye eyi-shareholder yenkampani ebinelungelo lokwexeshana, loo mfaki sicelo akayi kunke ilungelo ukua lowo unelungelo lokwexeshan okanye omnye wamalungu, abaphathi okanye iishareholder ezinamalungelo zazikhe zabanjelwa ukophula umthetho okanye zahluthelwa ilungelo okanye zabekelwa imiqathango. Okunye ukophula umthetho we-Marine Living Resources Act akuyi kusichaphazela kakubi isicelo njengokuba kuboniswe ngezantsi.

- (d) **Abafaki-zicelo abanganyanisekanga:** Abafaki-zicelo abanganyanisekanga njengoko kuchaziweyo kuMgaqo-Nkqubo Jikelele bayakukhutshelwa ngaphandle. Amaqela amakhulu

ezicelo ezifana ncam okanye ezifana kakhulu ezixhaswa ngumcebisi okanye inkampani eshishina ngokuloba namanye amaqela aya kukhutshelwa ngaphandle njengabafaki-zicelo abanganyanisekanga kungakhathaliseki ukufanelekeka kwezicelo zabo.

- (e) **Ukungasetyenziswa kwamalungelo:** abo banelungelo abangakwazanga ukuwasebenzisa amalungelo exeshana oshishino ngembaza phakathi kowama-2002 kunye nowama-2004 abayi kunikwa lungelo.
- (f) **Ukubandakanyeka:** Abafaki zicelo kuya kufuneka babonise ukuba baza kubandakanyeka buqu ekuvuneni iimbaza.
- (g) **Ukubandakanyeka kumacandelo amaninzi:** Abafaki sicelo kweli shishini abanakuba nelinye ilungelo lokuloba, enoba kungokugqalileyo okanye ngokungangqalanga njengokuba yi-shareholder (umphathi-sabelo) okanye umpathi kwinkampani okanye ilungu le-close corporation, kuLuhlu A (cluster A) okanye kuLuhlu B (cluster B). Abafaki zicelo abakolu shishino akuvumelekanga ukuba babanelungelo kuLuhlu C noD (cluster C and D), ngaphandle kwe-Traditional Linefish ne-hake handline.

8.2 Indlela elinganayo yokutholekisa

Abafaki zicelo abanamalungelo nabazakuba ngabangeneleli abatsha bazakuhlolwa ngokwale miqathango ilandelayo, eya kuthi iphononongwe ukuze kubonwe amandla esicelo ngasinye.

- (a) **Inguqu**
Igosa liyakuvumela izicelo zabantu abamnyama njengeko ubume benguqu kwelicandelo isezantsi kakhulu. Isini sisenokusetyenziswa njengomvula-ndlela, xa kunyanzelekile..
- (b) **Utyalo-mali kulefishari**
Igosa elithunyelweyo liyakuqwalasela utyalo-mali olwenziwe ngumfaki-sicelo kwelicandelo, kuquka utyalo-mali ekusetyenzweni okanye ekuthengisweni ngaphakathi nangaphaya kwezilwandle.
- (c) **Indlela yokuvuna**
Abacelimalungelo bayakuvavanywa ngokwendlela abavunangayo iimbaza ngethuba lamalungelo exeshana.

Abangeneleli abatsha bayakugocwagocwa malunga nesakhono sabo, ulwazi kwakunye nobugcisa ekuvuneni iimbaza

(d) Ukuxhomekeka kwiMbaza

Igosa elithunyelweyo liya kukhetha abafaki zicelo abangeniso yabo yaminyaka ixhomekeke kanobom ekuvuneni imbaza,. Abafaki zicelo abafumana ingeniso ngezinye iindlela ezingekokuloba basenokuphulukana namanqaku. Abafaki zicelo abatsha kuya kufuneka babonise imbali yabo yokuxhomekeka ekulobni ukuze baziphilise.

(e) Uphuhliso loqoqosho lwasekuhlaleni

Igosa elithunyelweyo likhetha abo bafaki-zicelo bahlala kufuthane kwendawo ekuvunwa kuyo iimbaza. Ngokwale meko yokuqwalasela igosa elithunyelweyo liya kufuna ukuba abafaki-zicelo babe nexesha elingangeminyaka emine behlala kwezo ndawo.

(f) Ukuthobela

.Ukuphazamisana okungephi ne-MLRA, kuquka imiThetho yayo, ngumfaki sicelo kufanele kumenze aphulukane namanqaku.

9. Abaxhamli bodwa nokuBhaliswa kwabaThengi

ISebe linezimvo zokuba injongo zelicandelo azikafumaneki ngenxa yokuxhamla ngokukodwa kweqela elinye okanye amaqela amabini.

Ukukhula kwelicandelo kuphazanyisiwe bubukho boxhamla bodwa kwaye nabavuni baxhatshaziwe. Ubukho bokuxhamla wedwa kwelicandelo abumkelekanga kwaphela kungasayi kuze kuvumeleke kuqhubekeke.

Bonke abantu abafuna ukuthenga imbaza kubagcinimalungelo (pickers) bayakucelwa ukuba babhalise kwiSebe. ISebe alisayi kubabhalisa abathengi ababekhe banamalungelo okanye abaxuthelwa imvume zabo phantshi kwe MLRA okanye abathengi ababekwa ityala phantshi kwe MLRA. Ukuba iSebe licinge ukuba abathengi ababhaliseweyo bophula umthetho wokuthengiswa kwe mbaza, iCandelo liyakungenelela.

10. Ukuvunwa kweMbaza

Abanini malungelo nabavuni bayakuvunyelwa ukuba bavune imbaza basebenzise:

- impahla zamanzi ;

- lbhanti ebangela ubunzima;
- Isigqumathelo sobuso;
- umbhobho wokuphefumla xa uphantsi kwamanzi

Amalungu kunye nabavuni abavumelekanga ukusebenzisa:

- amaphiko okudada;
- izixhobo zokuphefumla
- nezixhobo zokudada.

11. Intlawulo yokufaka isicelo

Imali oyihlawula xa ufaka isicelo sokuloba imbaza li-R100 (ikhulu leerandi). Le mali ayibuyi yaye imele ihlawulwe yonke.

Imali zerhafu eziza kuhlulwa ukususela ngo-01 Januwari 2006 ziya kuqosheliswa emva kokuba kudityenwe nabo banamalungelo. Ezi rhafu ziza kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokulawula, ukuvisisanisa nokwenza uphando.

12. Uluhlu lwethutyana

Phambi kokuba igosa elithunyelweyo lenze isigqibo ngalowo uza kunikwa imvume liza kukhupha uluhlu lwethutyana lwabafaki-zicelo kwindawo esisiseko ukuba abantu baphefumle ngalo.

13. Imiqathango yemvume

Imiqathango yemvume yelicandelo izakukhutshwa rhoqho ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokubonisana nabo banamalungelo kweli candelo lokuloba yaye iya kumana ihlolwa ngamaxesha athile, xa kuyimfuneko.



UMNYANGO WEZEMVELO NEZOKUVAKASHA

IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU

UMGOMO WOKUPHATHA NOKWABIWA KWAMALUNGELO OKUDOKA KWI

OYSTER FISHERY: 2005

LE NQUBOMGOMO KUFANELWE IFUNDWE KANYE NENQUBOMGOMO

EQONDISWE KUBO BONKE EMAYELANA NOKUPHATHWA

KWAMALUNGELO OKUDOKA ESIKHATHI ESIDE NGENJONGO

YEZENTENGISELWANO: 2005 (iyatholakala engosini ethi www.mcm-

deat.gov.za)

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1. Isethulo

Le nqubomgomo ephathelene nokwabiwa kwamalungelo kanye nokuphathwa Kwamalungelo okudoba i-Oyster ikhishwa nguNgqongqoshe WoMnyango Wezemvelo Nezokuvakasha ("uNgqongqoshe"). Le nqubomgomo kumelwe ufundwe kanye ne Draft General Policy ekwabiweni kanye nokuphathwa kwamalungelo Okudoba Ahlala Isikhathi Eside: 2005 ("Inqubomgomo Eqondiswe Kubo Bonke").

Injongo yale nqubomgomo ukusho izinto ezizocatshangelwa ezizosebenza lapho kwabiwa amalungelo okudoba i-oyster ngenjongo yezentengiselwano. Eziningi zalezi zinto ezizocatshangelwa azizintsha. Zisetshenziswe uMnyango Wezemvelo Nezokuvakasha: Ezokuphathwa Kwegatsha Lasolwandle Nezingu ("uMnyango") esikhathini esidlule lapho waba amalungelo nangendlela le nqubomgomo eyethula ngayo lokho okwacatshangelwa.

Amanye amalungelo amadala ekwabiweni kwamalungelo achaziwe kulo mquku. Umkhakha we-Oyster Fishery Management Manual uzophothulwa kwaziswe bonke abanikazi bamalungelo phakathi no2006. Le ncwajana izochaza ngokuningiliziwe ngokuphatha nendlela ezolandelwa kanye nenqubo ezolandelwa ngezindawo zokudoba.

Ungqongqoshe weZemvelo Nezokuvakasha uhlose ukwaba amandle ka-section 18 okwaba amalungelo okudoba i-Oyster ngokuvumelana nengxenye 79 yoMthetho weMarine Living Resources Act 18 ka-1998 ("i-MLRA") esikhulwini esiphethe somnyango. Le ncwadi yenqubomgomo izoqondisa izikhulu esiphathisiwe ekuthatheni izinqumo ngezicelo zale ndawo yokudoba.

2. Isimo Esingokwemvelo Sama-Oyster

I Cape Rock oyster, okuyiyona efunwa kakhulu kwi fishery, isezindaweni eziningi itholwa ngaphezu kwamatshe e rocky reefs kusuka eCape Agulhas kuya e Mozambique. Lama oysters atholakala kwi intertidal zone kanti ngaphans kwamanzi ngokuka 6m. I Cape Rock oyster iyatholakala njengoba injalo bese idayiswa kwi "wild oysters" ezindaweni zokudlela zaseNingizimu Afrika. Lena eshibhile i oyster ibizwa i Pacific oyster ethengwa ngaphandle kwe mariculture.

Ama Oysters ngakwa KwaZulu-Natal coast kutholakale ukuthi kuthatha izinyanga eziwu 33 months (almost 3 years) ukuze akwazi ukudayiseka engu (60 mm Right Valve Length). Ama Oysters asakawa ngama spawners.

Ama Oysters angakwa KwaZulu-Natal coast abakhona njalo ikakhulu ngezikhathi eziphezulu entwasahlobo nasehlobo.

Ukuvunwa kwawo kuthatha isikhathi ngama spring low tides kanti kuqala kwakugcina kwi intertidal zone, kanti ngezikhathi zamanje ze subtidal zone. Lokhu kweziwa ukwehlisa kwe oyster density kwi intertidal zone kanye nkunyuka kwezinto zokugqoka ("kwi *creeping effort*"). Ama Oysters asuswa ku ma rocks ngoku pointed steel crowbar.

3. Uhlaka ngokudotshwa

Indawo yokudoba i-oyster ngaphambilini yayibhekwa njengezindawo ezimbili, ngokokusebenza kwazo, okungukuthi ugu lwaKwaZulu-Natal kanye nogu lwaseNingizimu Kapa. Ksukela ngonyaka ka 2002 i yster fishery iphathwa njengebhizinizi elilodwa kwi national fishery. Ngaphansi kokuphathwa okusha, kunezindawo ezine zokuvuna i oyster eziqashelwa njengezisemthethweni, okungukuthi iKZN North, KZN South, Port Elizabeth kanye ne Southern Cape. Umehluko kumthetho kuma e regions kuyaqhubeka.

KwaZulu-Natal (North kanye ne South coasts), ukuphatha eyayenziwa kuqala kusatshenziswa ku KwaZulu-Natal Provincial Government kwagcinwa. Lokhu kuhlenganisa ama system okuzama lapho ababethatha babengadluli ku 190 oysters umuntu nomuntu ngosuku. iKZN North kanye neSouth coasts ihlukaniswe yaba yizindawana eziyisihlanu, avunwa ngokuthi ba rotate. Lokhu kudinga ukuthi ize ukuthi ihlale isikhathi esingangeminyaka ewu 3 ngesikhathi (isikhathi eside sokuthi ingadayiswa le oyster) ngakhokhe nikezeisikhathi skuthi ibuye i oyster stock. Lena iyasebenza kwi commercial kanye ne recreational sector.

I oyster fishery nge Southern Cape coast ayiphathwa ngendlela yokuvuna rotational, kodwa ngendlela yokuthi kuncishiswa kwabantu abacoshayo, ayikho i limit yezikhwama. Ngaphezu kwalokho, kuye kwenziwa imizamo ekabili kulezi zindawo ngokuvumelana nama-oyster reef afinyelelekayo. I Southern Cape fishery iyalawulwa ngenkathi yokuvala 15 December – 05 January. Isikhathi sokuvalwa senziwa ukuze kungabikhona ukuxabana ngesikhathi samaholide kanye nala abakwi commercial fishery sector. E Port Elizabeth, akuvunwa kuma oyster beds, kuphela ama washed-up oysters ayaqoqelelwa.

ITotal Applied Effort ("TAE") eye oyster fishery ayenziwa i scientific considerations noma i status ye resource, kodwa isukela kw pre-2002 okuzama. Ukukhula kwe research kanye nku aseswa kwe stock se oyster resource kuyadingeka ukuze kwazeke izikhathi zokuvuna. I TAE yamanje (inkathi ka-2005) yabekwa ku i 145 yabadobi kanti ihlukaniswe kanjena:

- KZN North (25 abacoshi);
- KZN South (15 abacoshi);
- Southern Cape (102 abacoshi); kanye
- Port Elizabeth (3) abacoshi.

ITAE ngase Southern Cape coast iphinde yahlukaniswa ngokwama zones, ngokuvumelana nama-oyster reef angadotshwa, kanjena:

- Heidelberg ("Witsand"): 10 abacoshi;
- Riversdale/Mossel Bay: 58 abacoshi kanye ne
- George/Knysna: 34 abacoshi.

Amalungelo amancane akhishwa ngo-2002 ukunika abantu abakwi former subsistence fishers ababengavuyelwe ukuthengisa izinhlanzi ababezidobele ukondla imindeni yabo.

4. Ukwabiwa kwamalungelo esikhashana

Ngo 2002 amalungelo okudayisa ayenikezwa kubantu Bantu abagu 34 abaqasha abantu abangu 114 abacoshayo. kulaba abawu 88% banikezwa amalungelo kudoba. Amalungelo aye anikezwa abantu bendabuko (abantu ngabanye) kuphela. Abantu abawu 91%, ama close corporations 3% kanti izinkampani 6% bathola amalungelo.

Abansundu abawu 25,8% kumalungelo abantu, okuvele kuphansi endaweni yokungena kulula kanti idonga izinto zokugqoka okuncane kant nemali encane futhi. Abawu 25,8% abantu besifazane.

Yize i TAE yayifuna kuphela abantu abawu 145 abacoshayo, abantu abawu 114 bavuna i oysters.

5. Izinhloso ngalemboni

Uma ufundwa kanye no Mgomo Jikelele, injongo yale nqubomgomo ukuthola izindlela zokunikeza amalungelo okudoba i-oyster. Imigomo yokwaba amalungelo okudoba kule ndawo yokudoba yile:

- Ngokuphawulekayo ukuthuthukisa izinga loshintsho kwi fishery;
- Ukunikeza amalungelo kulabo abathembele ekuvuneni kwe oyster ukuze baphile;
- Ukuthuthukisa labo bacosha ama oyster;
- Ukwenzisisa ukuthi amalungelo anikezwa ezindaweni lapho abazokwazi ukuvuna khona

- Usekela umnotho nokusima kwemvelo kulezi zindawo zokudoba.

Umnyango uyazi futhi ukhathazekile ngemikhuba ethileye-monopoly kule sector (bheka *ngokuqhubekayo isigaba 9 ngezansi*).

6. Ubude bamalungelo

Amalungelo okudoba ngeke adlule isikhathi esingangeminyaka emithathu (3). Amalungelo esikhathi eside azovunyelwa uma ngabe imininingwane isiyanele yesimo somnotho futhi lapho izinguquko sezenziwe ngendlela ephawulekayo. Umnyango uzokwenza futhi ucwingo lokuhlola komnotho nezenhlalo kule fishery ngale sikhathi seminyaka emithathu ukuzama kubekhona ukubhalansisa.

7. Abafaki-zicelo abasha

Yize le ndawo yokudoba pkwamanje isisetshenziswe ngokweqile, izindawo eziningi kakhulu osekudotshwe kuzo ama-oyster azizange zisetshenziswe ngokweqile nakancane. Umnyango ufuna ukuthi zonke lezindawo zisetshenziswe ukuze uthole ulwazi olubalulekile ngama-oysters kulezindawo. Phezu kwaloko leliphiko aluna lutshintsho kwaye kunabantu abasebenzela ukucinezela abanye.

Isikhulu esiphathisiwe kufanele sizame ukwaba amalungelo kwabasanda kuqala ukungena ezindaweni lapho kungazange kwabiwe khona amalungelo esikhathi esikhathi esiphakathi(kodwa i-TAE yamiswa) lapho ukunikeza abantu abasha kuzosiza kwi transformation profile.

8. Indlela yokuhlola

Abaceli bamalungelo e-oyster bazokuhlola ngenkqubo yokuthintela neyokulinganisa.

8.1 Inqubo yokuthintela

Ngaphami kwezindlela ezichazwe kuMgomo Jikelele eziphathelele nokufakwa kwezicelo kanye nezo zingagculisiyo, lemininingwane iladelayo yokuthintela iyakusebenza kumfaki sicelo onelungelo kanye nomutsha.

- (a) **Uhlobo lomfaki-sicelo:** Amalungelo azokwabiwa kuphela kubantu bendabuko (abantu ngabanye) abangabacoshi noma abaziqasha abacoshi.. Umcoshi we-oyster oqashwe

umnikazi wegunya angathanda ukwenza isicelo selungelo lokucosha i-oyster, kumelwe aqinisekise ukuthi akafakiwe ohlwini lwabacoshi esicelweni somqashi wakhe wamanje. Isikhulu esiphethe akumelwe sabe amalungelo okucosha ama-oyster kubantu abangabacoshi bama-oyster abafakwe ohlwini lwezicelo zabaqashi.

(b) **Izicelo zabantu bemindeni:** Kumelwe kube umuntu oyedwa ozokwabelwa ilungelo emndenini ngamunye. Lapho kunezicelo ezingaphezu kwesisodwa ziphuma kumalungu omndeni ahlala kudilesi elinye, zinke lezo zicelo ziyo konqatshwa. Banganikezwa amalungelo angaphezu kwelilodwa uma abenzi bezicelo bechaza ngokucacile nangokuzwakalayo ukuthi banemisebenzi yebhizinisi engahlangene nhlobo futhi basebenza ezindaweni ezihlukene.

(c) **Ukuthobela:** Labo abaphule umthetho we MLRA iziqondiso, izimo zemvume kanye namanye amacala okudoba amabi, ngeke anikezwe ilungelo. Abafake izicelo abathathelwe amalungelo ngokwe Marine Living Resources Act ngeke nabo banikezwe amalungelo. Uma umenzi wesicelo ayeyilungu le-close corporation noma enamasheya enkampani eyayinelungelo lesikhathi esijana, khona-ke lowo menzi wesicelo ngeke anikezwe ilungelo, ngakho umenzi wesicelo ngeke anikwe ilungelo uma umnikazi lungelo lesikhathi esijana noma omunye wamalungu ayo, abaqondiso noma abanikazi bamasheya abaqondisayo bebekwe icala elibi kakhulu noma behoxile kulawo malungelo noma bewasulile. Okunye ukuphula umthetho we Marine Living Resources Act kuyoba nomthelela ongemuhle neze kubenzi bezicelo, njengoba kuchazwe ngezansi.

(d) **Abafaki bezicelo abanamanga:** Abafaki bezicelo abanamanga bayokhushelwa ngaphandle (njengoba kuchaziwe kuMgomo-jikelele). Amaqembu amakhulu abenzi bezicelo abafanayo noma abafana kakhulu abaxhaswe ngumxhumanisi noma izinkampani ezidobela ukuthengisa nezinye izinhlangano ngeke bacatshangelwe futhi bayobhekwe njengabacashe ngesithupha kungakhathaliseki ukuthi labo benzi bezicelo babonakala befaneleka kangakanani..

(e) **Ukungayisebenzisi imithombo yengcebo :** Labo banikazi bamalungelo abangakwazanga ukusebenzia amalungelo abo akwi medium term commercial oyster phakathi kuka-2002 kanye no-2004 ngeke baphinde banikwe amalungelo.

(f) **Ukuhileleka Ngokobuqu:** Abafaki bezicelo kuzodingeka ukuba bahileleke ngokobuqu ekucoshweni kwama-oyster

- (g) **Ukuhileleka Kweminyango Eminingi:** Abafake izicelo kule ndawo yokudoba ngeke bavunyelwe ukuba babe nelinye ilungelo lokudoba, kungakhathaliseki ukuthi ngokuqondile noma ngokungaqondile njengabanikazi bamasheya noma abaqondisi benkampani noma ilungu le-close corporation, ku-Cluster A noma ku-Cluster B. Abenzi bezicelo kule ndawo yokudoba ngeke futhi banikwe amalungelo ezindaweni zokudoba zika-Cluster C no-D ngaphandle kwabadoba ngosinga bendabuko kanye ne-hake handline.

8.2 *Inqubo yokulinganisa*

Abenzi bezicelo abanamalungelo kanye nabangase bacatshangelwe abasanda kufaka izicelo bazohlolwa ngokwemibandela yale ndinganiso yokubakala ezofakwa esikalini ukuze kuhlolwe amandla omenzi wesicelo ngamunye.

(a) **Uguquko**

Isikhulu esiphathisiwe sizoqinisekisa ukuthi abenzi bezicelo abansundu ngabampofu ngempela njengoba kulandelwa inqubo yokwenziwa kwezinguquko. Ubulili nabo bungase bucatshangelwe njengesinye sezizathu eziwumqamula-juqu lapho kwenziwa izinqumo, uma kudingekile.

(b) **Ukutshala izimali kulemboni**

Isikhulu esiphathisiwe singase sicabangele ukutshalwa kwezimali okwenziwa abenzi bezicelo kuyi-sector, kuhlenganise nokutshalwa kwezimali ekulungiselelweni kwezinhlanzi kanye nasekuthengiseni, ekhaya nakwamanye amazwe.

(c) **Umsebenzi wokudoba**

Abanamalungelo bazobukwa ngendlela ukuvuna kwenza ngakhona ngesikhathi sokukhishwa kwamalungelo aphakahi nendawo.

Labo abasha bayobukwa ngokwazi, ulwazi kanye nekhono lokubamba ama oyster.

(d) **Ukuzondla ngama-Oyster**

Isikhulu esiphathisiwe singase sikhethe ukunika abafaki bezicelo abancike kuma-oyster ukuthola umholo abathembele kuwo wonyaka ukuze bazondle nemindeni yabo. Abafaki bezicelo abathola imiholo nakweminye imithombo engaphandle kwemboni yokudoba bangase

bangakutholi ukucatshangelwa. Kungase kudingeke ukuba abafaki bezicelo abasha babanise ukuthi banomlando wokwencika ekudotshweni kwama-oyster ukuze baziphilise.

(e) Ukuthuthukiswa komnotho Wasekuhlaleni

Isikhulu esiphathisiwe kufanele sikhethe labo benzi bezicelo abahlala eduze kwendawo okudotshwa kuyo ama-oyster. Kulokhu isikhulu esiphathisiwe kufanele sibheke ukuthi umenzi wesicelo useye waphila yini kuleyo ndawo okungenani iminyaka engengaphansi kwemine.

(f) Ukuthobela

Ukwaphulwa kwemithetho ye-MLRA okungekubi kangako kuhlanganise neZiqondiso zayo okwenziwa ngumenzi wesicelo kufanel kumenze angakufanelekeli ukuthola ukwamukelwa.

9. Ama Monopoli kanye nokubhaiswa kwabathengi

Umnyango uyakubona ukuthi le sector ayikakenzi kahle ngenxa ye monopoli liqembu elinye noma amabili.

Ukukhula kwalomnyango kulendawo, ithinteka kabi ngenxa yokuba khona kwama monopolies, kodwa labo abacoshayo sebebani kakhulu. Ukubakhona kwama monopolies kulendawo akuvumelekile futhi akufanele kuvunyelwe ukuba kuqhubeke.

Bonke abantu abafuna ukuthenga kulabo abanamalungelo (abacoshayo) komele babhalwe kwi register yasomnyangweni. Umnyango ngeke ukubhalisa abathengayo bake baba namalungelo noma mvume kodwa bawakhansele ngaphansi kwe MLRA noma abathengi ababekwe amacala ngaphansi kwe MLRA. Uma umnyango uthola ukuthi abathengi bazenzla bona amanani e oysters, umnyango uzongenela ube uwona kuphela othenga ama oyster kulabo abawacoshile.

10. Ukuvunwa kwama oysters

Amalungu kanye nabacoshayo bazovunyelwa ukuvuna ama- oysters ngokusebenzisa:

- impahla zamanzi ;
- Ibhanti ebangela ubunzima;
- Isigqumathelo sobuso;
- umbhobho wokuphefumla ma uphantsi kwamanzi

Amalungu kanye nabacoshi abangase benzisi:

- amaphiko okubhukuda (fins);
- izixhobo zokuphefumla (artificial breathing apparatus);
- nezinto zokuntanta (floating devices).

11. Izimali zokufaka isicelo

Izimali ezikhokhelwa izicelo zamalungelo okudoba ama-oyster li-R100 (ikhulu lamarandi). Le mali ayibuyiswa futhi kumelwe uyikhokhe yonke.

Izimali (izintela) zaminyaka yonke ezikhokhwa kusukela ngomhlaka 1 January 2006 ziyonqunywa ngemva kokuxhumana nabanikazi bamalungelo. Lezi zimali ezikhokhwayo ziyosetshenziswa nguMnyango ukuze kukhokhelwe izindleko zokuphatha zaminyaka yonke, ukwenza ngokuvumelana nomthetho kanye nocwaningo.

12. Uhlu lwesikhashana

Ngaphambi kokuba isikhulu esiphathisiwe senze isinqumo sokugcina sokwabiwa kwamalungelo ama-oyster, sona siyokhipha uhlu lwesikhashana ("provisional list") lwabangase bathole izimvume zokudoba ama-oyster endaweni ngayinye ukuze kusikwe elijikayo.

13. Imo Yemvume

Izimo zezimvume kule mboni yokudoba ziyokhishwa minyaka yonke. Imibandela yezimvume iyonqunywa ngemva kokuxhumana nabanikazi bamalungelo kulezi zindawo zokudoba futhi ingase ibuyekezwe lapho kudingekile.



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH MARINE AND COASTAL MANAGEMENT**

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
FISHING RIGHTS IN THE KWAZULU-NATAL SARDINE BEACH-SEINE
COMMERCIAL FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION
AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING RIGHTS: 2005 (available
at www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the KwaZulu-Natal (KZN) sardine commercial beach-seine fishery is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This fishery will also be referred to as the KZN beach-seine fishery. This policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General Fisheries Policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term KZN sardine beach-seine fishing rights. Many of these considerations are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A KZN Beach-seine Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial fishing rights in this sector in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to an official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

The KZN sardine beach-seine fishery is highly seasonal. During the winter months large shoals of sardines (*Sardinops sagax*) enter the waters of KwaZulu-Natal from the south. This classical spawning migration is referred to as the KZN "sardine run".

The annual sardine run corresponds with an offshore movement of the warm Agulhas Current in the region of the Wild Coast during autumn through to winter and its replacement by a cool, narrow band of water inshore. This event provides a corridor for cold-water-loving sardines to migrate northward in large shoals that may be 15 kilometres long, three kilometres wide and 40 metres deep. The shoals attract thousands of predators such as gannets, dolphins and sharks.

The KZN sardine beach-seine fishery relies entirely on the sardine run. Moreover, KwaZulu-Natal's tourism industry is geared towards capitalizing on the spectacle of the sardine run, including the excitement of beach-seine operations. There are, however, years when the intrusion of cold water does not occur or sardines do not appear inshore. Catches in the KwaZulu-Natal sardine beach-seine fishery have been close to zero in some years.

The KZN sardine beach-seine fishery has been regulated since the 1970s. Prior to the commencement of the MLRA, permits were issued by the KZN Fisheries Licensing Board. A maximum of 35 permits were allocated annually. Permits, and nowadays rights, were issued exclusively for the capture of sardines; all other fish had to be returned to the water alive.

3. Sector profile

The commercial sardine beach-seine fishery is restricted to KwaZulu-Natal. Due to it being a short, seasonal fishery which is only activated during the sardine run, most of the participants are employed in other fishing sectors for the remainder of the year.

Although sardines are a TAC-controlled species, targeted predominantly by the pelagic fishing industry, the KZN beach-seine fishery is managed on the basis of Total Applied Effort ("TAE"). This is because the biomass landed by beach-seines in KZN is less than 0.1 percent of the total national catch. Effort is not restricted to any particular beaches or areas, thereby allowing the fishers to follow the sardines along the coast and catch the fish as they move inshore. Gear restrictions apply and fishing in marine protected areas is prohibited. The TAE (the number of nets that may be used), is set by the Minister each year.

The sardine beach-seine nets are laid using converted ski-boats. Teams of fishers - approximately 20 per net - then haul the net shoreward by hand. Sardines are sold locally by the right-holder, or buyers purchase the contents of the net while it is still on the beach. The bulk of the catch is used for bait but a limited amount of sardines are consumed by the locals. In years when the sardine run occurs, an average of 20 000 crates or 500 tons are landed, with an annual catch value of between R1.5 and R2 million.

The present right-holders are mainly commercial fishers, split equally among black and white persons. In the past few years, two rights have been fished by squid right-holders from the Eastern Cape. These right-holders have introduced technologically more advanced procedures to the fishery. Their use of a spotter plane and superior fishing gear has resulted in them out-competing the other fishers.

All teams employ temporary labour during the season. Consequently, approximately 700 workers may be employed for a one- to two-month season each year.

4. The medium-term rights allocation process

The sardine beach-seine fishery has not changed much since the revision of the TAE and the allocation of rights in 2001. Medium-term fishing rights introduced a degree of stability to the fishery. In previous years permit-holders entered or exited the fishery each year. The TAE was set at 35 right-holders in 2001. Only 27 applications were received, 26 of which were granted.

This fishery is relatively capital intensive due to the capital required for a powered ski-boat, beach-seine net and 4X4 vehicle, as well as the risk associated with the short, unpredictable sardine season. The fishery is currently 50 percent black-owned and managed.

5. Over-arching sectoral objectives

The objectives of allocating long-term rights in the sardine beach-seine fishery are to:

- Improve the transformation profile of this fishery;
- Allocate rights to sardine beach-seine fishers who are traditionally reliant on sardines and resident in KZN;
- Sustain the economic viability of the fishery
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to the above objectives, commercial fishing rights will be allocated for a period of ten years (1 January 2006 – 31 December 2015). The Department will regularly evaluate right holders against predetermined performance criteria.

7. New entrants

Surplus effort is available for allocation in this fishery. The delegated authority will seek to accommodate new entrants. Non-performing right-holders and untransformed entities may be replaced.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter evaluated in terms of a set of weighted "*comparative balancing criteria*". A cut-off score or rank will then be determined in order to select the successful applicants.

8.1 Exclusionary criteria

Apart from the criteria described in the General Policy pertaining to the lodgement of applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of right-holder:** Although the General Policy generally prohibits companies and close corporations from holding rights in the Cluster D fisheries, the KZN Beach-seine fishery is an exception. The delegated authority may allocate rights in this fishery to individuals as well as close corporations (not companies). As far as individuals are concerned, more than one right will not ordinarily be granted to a household (spouses, parents and children). In addition, a right will not be granted to a close corporation and its members or employees separately.
- (b) **Traditional sardine beach-seine:** Rights will only be allocated to traditional sardine beach-seine fishers or to close corporations whose members are traditional sardine beach-seine fishers. A traditional sardine beach-seine fisher is someone who has been active in the fishery for the past ten years.
- (c) **Access to nets and boats:** Applicants will be required to demonstrate that they have access to the appropriate nets and a suitable boat required to operate in this fishery.
- (d) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA (leading, for example, to a sentence of imprisonment without the option of the payment of a fine) will not be allocated a right. Applicants that have had a right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a right. Other breaches of the Marine Living Resources Act will adversely affect applications, as set out below.
- (e) **Paper quotas:** Paper quotas (as defined in the General Policy) will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing

companies and other entities will be excluded as fronts (paper quotas) regardless of the merits of individual applications.

- (f) **Non-utilisation:** Right-holders who did not utilise their right during the period 2002 to 2004 will be excluded.
- (g) **Multi-sector involvement:** Applicants in this fishery may not hold any other commercial fishing right, whether directly or indirectly as a shareholder or director of a company or member of a close corporation, in the Cluster A or Cluster B fisheries. Applicants in this fishery may also not hold rights in other Cluster C and D fisheries, except in traditional line fish and the oyster fishery.
- (h) **Personal involvement in harvesting of the resource:** Applicants, or their members, will be required to demonstrate that they have been personally involved in sardine beach-seine fishing during the fishing season and have participated in the operation of the business.
- (i) **Dependency on the resource:** Whilst the limited season, unpredictability and risk associated with this fishery is recognised, applicants will be required to demonstrate a degree of historical dependency on the sardine beach-seine fishery for their livelihoods.

8.2 Comparative balancing criteria

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria which will be weighted to assess the strength of each application:

a) Transformation:

To improve the transformation profile of the KZN sardine beach-seine fishery, applicants should be scored positively if they are black (Africans, Coloureds and Indians). Applicants that are close corporations will be assessed and scored on the percentage of the membership owned by blacks.

b) Jobs

Right-holder applicants who can demonstrate that they have provided employment - temporary or permanent - will be rewarded.

c) Historical Involvement

The delegated authority will consider how long an applicant has been involved in the sardine beach-seine fishery.

d) Fishing Performance

Right-holder applicants will be assessed by having regard to their fishing performance during the medium-term period.

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skill to fish using nets.

e) Compliance

Less than serious infringements of the MLRA, the Regulations and permit conditions, will be negatively scored.

9. Provisional lists

Before the delegated authority makes a final decision on the allocation of beach seine rights, he or she may issue a provisional list of applicants for each area for comment.

10. Management and co-management of the KZN sardine beach-seine fishery

The commercial sardine beach-seine fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is a holistic and integrated policy, which recognises that fishing and associated land-based activities impact on the broader marine environment.

A new Operational Management Plan for the fishery will be implemented within the next two to three years.

11. Application fees

The fee payable on application for a KZN beach seine right is R200 (two hundred rand). This fee is non-refundable and must be paid in full.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. Vehicle use in the coastal zone

Many right-holders in the KZN sardine beach-seine fishery have sought permission to use vehicles in the coastal zone following the prohibition of unregulated vehicle use on beaches in 2002. In 2004, the Minister of Environmental Affairs and Tourism amended the regulations that control vehicle use in the coastal zone (see www.mcm-deat.gov.za for the Regulations and Implementation Guideline).

Right-holders in the KZN sardine beach-seine fishery must apply to the Deputy Director-General of Marine and Coastal Management for a permit to use a vehicle in the coastal zone if required for fishing.

Application forms for vehicle use in the coastal zone will be made available, along with the application forms for rights in the KZN sardine beach-seine fishery. These application forms for vehicle use are also available from www.mcm-deat.gov.za.

13. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.



**DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME
TAK MARIENE EN KUSBESTUUR**

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE KWAZULU-NATAL KOMMERSIËLE SARDIEN
STRANDSEËNNET-VISSERY: 2005**

**HIERDIE BELEID MOET SAAMGELEES WORD MET DIE ALGEMENE BELEID
VIR DIE TOEKENNING EN BESTUUR VAN LANGTERMYN KOMMERSIËLE
VISVANGREGTE: 2005**

(beskikbaar by www.mcm-deat.gov.za)

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1. Inleiding

Hierdie beleid oor die toekenning en bestuur van visvangregte in die KwaZulu-Natal (KZN) sardien kommersiële strandseënnet-vissery word uitgereik deur die Minister van Omgewingsake en Toerisme ("die Minister"). Daar sal ook na hierdie vissery verwys word as die KZN strandseënnet-vissery. Hierdie beleid moet saamgelees word met die Algemene Beleid vir die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Visseryebeleid").

Die doel van hierdie beleid is om die oorwegings uit een te sit wat van toepassing is op die toekenning van langtermyn KZN strandseënnet-visvangregte. Baie van hierdie oorwegings is nie nuut nie. Hulle is in die verlede deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement") gebruik by die toekenning van regte en tot 'n mate beligaam hierdie beleid sodanige oorwegings.

Sekere voorgenome bestuursbeleidsrigtings vir die periode na die toekenning van regte verskyn ook in hierdie beleid. 'n Bestuurshandleiding vir die KZN strandseënnet-vissery sal met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handleiding sal in fyn besonderhede die toepaslike bestuursmetodes en -prosedures vir die bedryf uitstippel.

Die Minister is voornemens om die artikel 18 magte om kommersiële visvangregte in hierdie sektor toe te ken, in terme van artikel 79 van die Wet op Lewende Mariene Hulpronne 18 van 1998 ("die WLMH") aan 'n beampte in die Departement te delegeer. Hierdie beleidsdokument sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie vissery.

2. Biologie en brondinamika

Die KZN strandseënnet-vissery is hoogs seisoenaal. Gedurende die wintermaande dring groot skole sardiens (*Sardinops sagax*) die waters van KwaZulu-Natal vanaf die suide binne. Daar word na hierdie klassieke broeimigrasie verwys as die KZN "sardienloop".

Die jaarlikse sardienloop kom ooreen met 'n aflandige beweging van die warm Agulhas-stroom in die omgewing van die Wildekus, gedurende herfs tot en met winter en die vervanging daarvan met 'n koel, smal strokie kuswater. Hierdie gebeurtenis voorsien 'n gang vir die sardyn wat aangetrokke is tot koue water, om noordwaarts te migreer in groot skole wat tot 15 kilometer lank, drie kilometer wyd en 40 meter diep kan wees. Die skole lok duisende roofdiere soos malgasse, dolfyne en haaie.

Die KZN sardien strandseënnet-visserij maak volkome staat op die sardienloop. Boonop is KwaZulu-Natal se toerisme-bedryf daarop ingestel om voordeel te trek uit die skouspel van die sardienloop met inbegrip van die opwindende van strandseënnet-operasies. Daar is egter jare wanneer die indringing van koue water nie plaasvind nie, of sardiens nie by die kus na voorskyn kom nie. In sommige jare is die vangste in die KwaZulu-Natal sardien strandseënnet-visserij naby aan nul.

Die KZN sardien strandseënnet-visserij word sedert die 1970s gereguleer. Voor die inwerkingtrede van die WLMH (1998) is permissie deur die KZN Visserij Lisensieringsraad uitgereik. 'n Maksimum van 35 permissie is jaarliks toegeken. Permissie, en deesdae regte, was uitgereik uitsluitlik vir die vang van sardiens; alle ander vis moes lewend in die water teruggeplaas word.

3. Sektorale profiel

Die kommersiële sardien strandseënnet-visserij word tot KwaZulu-Natal beperk. Aangesien dit 'n kort, seisoenale visserij is, wat slegs gedurende die sardienloop geaktiveer word, is meeste van die deelnemers in diens in ander visvangsektore vir die res van die jaar.

Alhoewel sardiens 'n TTV-beheerde spesie is, wat hoofsaaklik deur die pelagiese visvangbedryf geteiken word, word die KZN strandseënnet-visserij op die basis van 'n Totale Ontplooiende Vangspoging ("TOV") bestuur. Die rede hiervoor is dat die biomassa wat deur strandseënnette in KZN geland word minder as 0.1 persent van die totale nasionale vangs beslaan. Vangspoging word nie beperk tot enige bepaalde strande of gebiede nie, wat toelaat dat die vissers die sardiens langs die kus kan volg en die vis kan vang soos wat nader aan die kuslyn beweeg. Toerustingbeperkings is van toepassing en visvang binne beskermde mariene gebiede word verbied. Die TOV (die aantal nette wat gebruik mag word) word elke jaar deur die Minister vasgestel.

Die sardien strandseënnette word uitgeplaas deur die gebruik van omskepte skibote. Spanne vissers – ongeveer 20 per net – trek dan die net per hand na die kus. Sardiens word plaaslik deur die regtehouer verkoop, of kopers koop die inhoud van die net terwyl dit nog op die strand is. Die oorgrote meerderheid van die vangs word as aas gebruik, maar 'n beperkte hoeveelheid sardiens word deur die plaaslike bevolking verbruik. In jare wanneer die sardienloop plaasvind, word 'n gemiddeld van 20 000 kratte of 500 ton geland, met 'n jaarlikse vangswaarde van tussen R1.5 en R2 miljoen.

Die huidige regtehouers is hoofsaaklik kommersiële vissers, eweredig verdeel tussen swart en wit persone. In die afgelope paar jaar, is twee regte ontgin deur inkvis regtehouers van die Oos-Kaap. Hierdie regtehouers het Sardien Strandseënnetbeleid: November 2005

tegnologies meer gevorderde prosedures in die vissery ingebring. Hul gebruik van 'n opspoorvliegtuig en superieure visvangtoerusting het tot gevolg gehad dat hulle beter as al die ander vissers gevaar het. Alle spanne gebruik tydelike arbeid gedurende die seisoen. Gevolglik kan ongeveer 700 werkers jaarliks, vir 'n een tot twee maand seisoen, in diens geneem word.

4. Die proses van medium-termyn regtetoekenning

Die KZN sardien strandseënnet-vissery het nie veel verander sedert die hersiening van die TOV en die toekenning van regte in 2001 nie. Medium-termyn visvangregte het 'n mate van stabiliteit na die vissery gebring. In vorige jare het permithouers die vissery jaarliks toegetree of verlaat. In 2001 is die TOV op 35 regtehouers vasgestel. Slegs 27 aansoeke is ontvang, waarvan 26 toegeken is.

Hierdie vissery is redelik kapitaal intensief as gevolg van die kapitaal wat nodig vir 'n motorskiboot, strandseënnet en 4X4-voertuig, asook die risiko geassosieer met die kort, onvoorspelbare sardienseisoen. Die vissery word tans 50 persent deur swart persone besit en bestuur.

5. Oorkoepelende sektorale doelwitte

Die doelwitte met die toekenning van langtermyn regte in die sardien strandseënnet-vissery is om:

- Die transformasieprofiel van hierdie vissery te verbeter;
- Regte aan sardien strandseënnet-vissers toe te ken wat tradisioneel van sardiens afhanklik is en woonagtig is in KZN;
- Die ekonomiese lewensvatbaarheid van die vissery in stand te hou;
- Die omgewingsvolhoubaarheid van die vissery te verseker.

6. Tydsduur van regte

Met inagneming van bogenoemde doelwitte sal kommersiële visvangregte vir 'n tydperk van tien jaar toegeken word (1 Januarie 2006 tot 31 Desember 2015). Die Departement sal gereeld regtehouers evalueer teen voorafbepaalde prestasiekriteria.

7. Nuwe inkomelinge

Daar is 'n oorskot vangspoging beskikbaar vir toekenning in hierdie vissery. Die gedelegeerde owerheid sal streef om nuwe inkomelinge te akkomodeer. Regtehouers wat nie presteer nie en ongetransformeerde entiteite mag vervang word.

8. Evalulasiekriteria

Aansoeke sal volgens 'n stel "*uitsluitingskriteria*" gesif word. Aansoeke sal daarna evalueer word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt of rangorde sal dan vasgestel word ten einde die suksesvolle aansoekers te bepaal.

8.1 Uitsluitingskriteria

Behalwe die kriteria beskryf in die Algemene Beleid oor die onbehoorlike indiening van aansoeke en wesentlike tekortkominge sal die gedelegeerde owerheid aansoekers uitsluit wat versuim om aan die volgende vereistes te voldoen:

- (a) **Vorm van die aansoeker:** Alhoewel die Algemene Beleid maatskappye en beslote korporasies oor die algemeen verbied om regte te hou in enige van die Groep D visserye, is die KZN strandseënnet-vissery 'n uitsondering. Die gedelegeerde owerheid mag in hierdie vissery regte toeken aan individue asook beslote korporasies (nie maatskappye nie). Sover dit individue aangaan sal meer as een reg nie gewoonlik aan 'n huishouding (egpaar, ouers en kinders) toegeken word nie. Bykomend sal 'n reg nie aan 'n beslote korporasie en sy lede of werknemers apart toegeken word nie.
- (b) **Tradisionele sardien strandseënnet-vissers:** Regte sal slegs toegeken word aan tradisionele sardien strandseënnet-vissers. 'n Tradisionele strandseënnet-visser is iemand wat die afgelope tien jaar al aktief is in die vissery.
- (c) **Toegang tot nette en bote:** Daar sal van aansoekers vereis word om aan te toon dat hulle toegang het tot geskikte nette en 'n gepaste boot wat nodig is om in hierdie vissery werksaam te wees.
- (d) **Wetsnakoming:** Regte sal nie toegeken word aan aansoekers wat skuldig bevind is aan 'n ernstige oortreding van die WLMH nie (wat byvoorbeeld gelei het tot tronkstraf sonder die opsie om 'n boete te Sardin Strandseënnetbeleid: November 2005

betaal). Aansoekers wie se reg ingevolge die WLMH gekanselleer of ingetrek is, sal ook nie 'n reg ontvang nie. Ander oortredings van die WLMH sal die aansoek negatief affekteer soos hieronder uiteengesit.

- (e) **Papierkwotas:** Papierkwotas soos omskryf in die Algemene beleid sal uitgesluit word. Groot groepe identiese, of baie soortgelyke aansoeke wat deur konsultante of kommersiële visvangmaatskappye en ander entiteite geborg word, sal uitgesluit word as fronte (papierkwotas), ongeag die meriete van die individuele aansoeke.
- (f) **Nie-gebruik:** Regtehouers wat nie gereeld hulle regte gedurende die tydperk 2002 tot 2004 gebruik het nie, sal uitgesluit word.
- (g) **Multi-sektorale betrokkenheid:** Aansoekers in hierdie vissery mag nie kommersiële visvangregte in enige Groep A of Groep B visserye hou nie, hetsy direk of indirek as aandeelhouer of direkteur van 'n maatskappy of as lid van 'n beslote korporasie. Aansoekers in hierdie vissery mag ook nie regte in ander Groep C en D visserye, behalwe in tradisionele lynvis en die oestervissery, hou nie.
- (h) **Persoonlike betrokkenheid by die oes van die hulpbron:** Daar sal van aansoekers verwag word om aan te toon dat hulle persoonlik betrokke was by sardien strandseënnet-visvangs gedurende die visvangseisoen en dat hulle in die bedryf van die besigheid betrokke was.
- (i) **Afhanklikheid van die bron:** Alhoewel die beperkte seisoen, die onvoorspelbaarheid en risiko geassosieer met hierdie vissery erken word, sal daar van aansoekers vereis word om 'n graad van historiese afhanklikheid van die sardien strandseënnet-vissery vir hulle bestaan, aan te toon.

8.2 Vergelykende balanseringskriteria

Regtehouer aansoekers en potensiële nuwe inkomeling aansoekers sal evalueer word in terme van die volgende balanseringskriteria, wat gelaai sal word om die sterkte van elke aansoek te bepaal:

(a) Transformasie

Ten einde die transformasieprofiel van die KZN sardien strandseënnet-vissery te verbeter, sal aansoekers positiewe punte toegeken word as hulle swart persone is (Afrikane, Kleurlinge en Indiërs). Aansoekers wat

beslote korporasies is, sal evalueer word op grond van die persentasie ledebelang wat besit word deur swart persone.

(b) Werksgeleenthede

Regtehouer aansoekers wat kan aantoon dat hulle werksgeleenthede – tydelik of permanent – verskaf het, sal beloon word.

(c) Historiese betrokkenheid

Die gedelegeerde owerheid sal oorweging gee aan die tydperk wat 'n aansoeker betrokke is in die sardien strandseënnets-visserij.

(d) Visvangprestasie

Regtehouer aansoekers sal evalueer word met inagneming van hul visvangprestasie gedurende die medium-termyn tydperk.

Nuwe inkomeling aansoekers sal evalueer word met inagneming van of hulle die vermoë, kennis en vaardigheid het om met nette vis te vang.

(e) Wetsnakoming

Negatiewe punte sal toegeken word vir nie-ernstige oortredings van die WLMH, sy regulasies en permitvoorwaardes.

9. Voorlopige lys

Voordat die gedelegeerde owerheid 'n finale besluit neem oor die toekenning van strandseënnetregte mag hy of sy 'n voorlopige lys van aansoekers uitreik in elke area vir kommentaar.

10. Bestuur en mede-bestuur van die KZN sardien strandseënnets-visserij

Die kommersiële sardien strandseënnets-visserij sal bestuur word in ooreenstemming met die ekosisteem benadering tot visserij ("EBV"). 'n Ekosisteem benadering tot die bestuur van visserij is 'n holistiese en

geïntegreerde beleid wat erken dat visvang en verwante land-gebaseerde aktiwiteite die breë mariene omgewing kan beïnvloed.

'n Nuwe Operasionele Bestuursplan vir die visserij sal binne die volgende twee tot drie jaar implementeer word.

11. Aansoekgelde

Die fooi betaalbaar by aansoek vir 'n KZN strandseënnereg is R200 (twee honderd rand). Hierdie fooi is nie-terugbetaalbaar en moet in volle betaal word.

Die jaarlikse heffings betaalbaar met ingang van 1 Januarie 2006 sal bepaal word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

12. Gebruik van voertuie in die kussone

Baie regtehouers in die KZN sardien strandseënnet-visserij het toestemming gevra om voertuie te gebruik in die kussone, nadat ongereguleerde voertuiggebruik op strande in 2002 verbied is. In 2004 het die Minister die regulasies wat voertuiggebruik in die kussone beheer, gewysig (sien www.mcm-deat.gov.za vir die Regulasies en die Implementasie Riglyne).

Regtehouers in die KZN sardien strandseënnet-visserij moet aansoek doen by die Adjunk Direkteur-Generaal van Mariene en Kusbestuur vir 'n permit om 'n voertuig in die kussone te gebruik, indien nodig vir visvangs.

Aansoekvorms vir die gebruik van voertuie in die kussone sal beskikbaar gestel word, saam met die aansoekvorms vir regte in die KZN sardien strandseënnet-visserij. Aansoekvorms vir voertuiggebruik ook beskikbaar by www.mcm-deat.gov.za.

13. Permitvoorwaardes

Permitvoorwaardes vir hierdie sektor sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na konsultasie met regtehouers in hierdie sektor en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.

Sardien Strandseënnetbeleid: November 2005



ISEBE LEZOBUME BENDALO NOKHENKETHO

ICANDELO LOLAWULO LOLWANDLE NONXWEME

UMGAQO-NKQUBO WOKUNIKEZWA NOKULAWULWA KWAMALUNGELO

EXESHA ELIDE OKURHWEBA NGOKULOBA IINTLANZANA NGEMINATHA

YASELWANDLE EKWAZULU-NATAL: 2005

LO MGAQO-NKQUBO MAWUFUNDWE KUNYE NOMGAQO-NKQUBO

JIKELELE NGOKUNIKEZWA NOKULAWULWA KWAMALUNGELO EXESHA

ELIDE OKURHWEBA NGOKULOBA: 2005

(iyafumaneka ku- www.mcm-deat.gov.za)

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1. Intshayelelo

Lo mgaqo nkqubo wolwabiwo nolawulo lwamalungelo okuloba kwiCandelo Loshishino lokuloba kwabeminatha yaselwandle yaseKwaZulu-Natal (KZN Sardine beach seine) ukutshwe nguMpathiswa weCandelo Lezendalo Nokhenketho ("Umphathiswa"). Lo mgaqo nkqubo mawufundwe kunye Nomgaqo nkqubo Jikelele wolwabiwo nolawulo lwamalungelo exesha elide Orhwebo Lokuloba lowama:2005 ("uMgaqo-nkqubo Jikelele").

Injongo yalo mgaqo-nkqubo kukumisela imiba eyakuthi isebenze kunikezelo lwamalungelo oshishino ngemonatha yaselwandle yaseKZN (KZN Sardine beach seine). Eminye imiba ayimitshanga apha. Ibisele isetyenzisiwe liSebe Lezobume Bendalo Nokhekhetho: Isebe Lolawulo loLwandle noNxweme ("iSebe") kwixesha elidlulileyo xa kwakusabiwa amalungelo kunye kwaye ubukhulu bale nkqubo bubonisa ukubhalwa kwemithetho ngokulandelelanayo kwale miba.

Eminye imiba eyothi ilawule amalungelo anikezelweyo ichaziwe ngokubanzi kulomgaqo nkqubo. Ulawulo lwesikhokelo Nkqubo yoShishino Lwecandelo le-KZN Beach Seine izakuqunjelwa ngawo onke amalungu analungelo ngexesha lalenkqubo ngowama-2006. Esi sikhokelo siyakunika inkcazelo emisa ulawulo lolwazi lwenkqubo kunye nenkqubo yendawo ekulotywa kuyo.

Umphathiswa uzimisele ukunika igunya lecandelo 18 lokunikezela ngamalungelo okuloba kwelicandelo ngokuvisisana necandelo 79 le-Marine Living Resources Act 18 of 1998 ("the MLRA") kwigosa leSebe. Lo mqulu uya kukhokele lowo ugunyazisiweyo ekuthatheni izigqibo ngezicelo kwelicandelo

2. Ibhayoloji nentshukumo zobubutyebi bendalo

Ushishino lokuloba ngeminatha yaselwandle eKZN liqhubeka ngamaxesha athile onyaka. Ngexesha leenyanga zobusika xa intlaninge enkulu yeentlanzana (*Sardinops sagax*) ingena kumanzi aKwaZulu-Natal ivela emazantsi. Le mfuduko yesithethe sokuzalelwa kwamaqanda ibizwa ngokuba yi"sardine run" yaseKZN.

Olu gxalathelwano lweentlanzana lonyaka ngamnye lungqamelana nentshukumo yakude nonxweme yeAgulhas Current efudumeleyo kummandla weWild Coast ngexesha lasekwindla ukuya kutsho ebusika kunye nokusunduzwa kwayo ngumcwana womsinga opholileyo wamanzi elunxwemeni.

Esi siganeko sibonelela ngendlela kwiintlanzana ezithanda amanzi abandayo yokuba zifudukele ngasentla ziyintlaninge esenokuba ngangekhilomitha ezilishumi elinesihlanu (15) ubude, iikhilomitha ezintathu (3)

ububanzi nobunzulu ubungangeemitha ezingamashumi amane (40). Ezi ntlaninge zibiza amawaka abaqwengi abanjengemikhonjane, amahlengesi nookrebe.

Ushishino lokuloba iintlanzana ngeminatha yaselwandle laseKZN luxhomekeke ngokupheleleyo kolugxalathelwano. Ngaphezu koko, ishishini lokhenketho lubhekiselelwe ekumiseni ngalo mboniso wogxalathelwano lweentlanzana, kunye nochulumanco lwenkqubo yokuloba ngeminatha erhuqwayo yaselwandle. Nangona kunjalo, ikhona iminyaka apho ungenelelo lwamanzi abandayo lungenzekiyo okanye iintlanzana zingabonakali elunxwemeni. Ukubanjiswa kweentlanzana kolushishino lokuloba ngeminatha erhuqwayo KwaZulu-Natal ikhe isondele kunothi (zero) kweminye iminyaka.

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle yaseKZN isalawulwa ukususela kwiminyaka yoo 1970. Phambi koMthetho we MLRA, iimvume zazikhutshwa yi KZN Fisheries Licensing Board. Ubuninzi obungamashumi amathathu anesihlanu (35) eemvume zazinikezwa ngonyaka ngamnye. Iimvume, kungokunje ekuthiwa ngamalungelo, zazikhutshelwa kuphela ukubambisa iintlanzana: zonke ezinye iintobo zeentlanzi kwakufuneka zibuyiselwe emanzini ziphila.

3. Ubume belicandelo

Urhwebo ngoshishino lokuloba iintlanzana ngeminatha erhuqwayo lulungiselelwe ukuba lwenziwe KwaZulu-Natal kuphela. Ngenxa yokuba ilushishino lokuloba oluthatha ixesha elincinci, ngexesha elithile lonyaka elithi lenzeke kuphela ngexesha logxalathelwano lweentlanzana, uninzi lwabathathi nxaxheba baqeshwe kumanye emacandelo okuloba kwintsalela yonyaka.

Nangona iintlanzana ziludidi olulawulwa yiTAC, oluchongwa ngamandla ngamashishini okuloba e"pelagic", ushishino lokuloba ngeminatha erhuqwayo yaseKZN lulawulwa ngokwe Total Applied Effort ("ITAE"). Oku kungenxa yokuba umthamo wobunzima oziswa emhlabeni ngeminatha eKZN ungaphantsi kune 0.1 yepesenti xa kuthelekiswa nobambiso kuzwelonke Imigudu ayithintelwanga kumalwandle okanye iingingqi ezithile kuphela, ngako oko kuvunyelwa abalobi ukubabazilandele ezi ntlanzana nangaselunxwemeni ze bazibambise xa zisondela ngaphakathi elunxwemeni. Uthintelo lwezixhobo luyanyanzeliswa kwaye nokuloba kwiindawo ezithile zolwandle ezikhuselweyo akuvumelekanga. ITAE (inani leenethi ezinokusetyenziswa) imiselwa nguMphathiswa ngonyaka ngamnye.

Iinethi zeminatha erhuqwayo yaselwandle yokuloba iintlanzana zondlalwa kusetyenziswa amaphenyane aguquliweyo. Amaqela abalobi – malunga nama 20 ngenethi nganye – bathi bayitsalele ngaselunxwemeni iminatha ngezandla. Iintlanzana zithengiswa kwakuloo ngingqi ngumnini-lungelo, okanye abathengi bathenga

konke okuqulethwe enethini kwangeli xesha iinethi ziseselwandle. Ubuninzi bokubanjisiweyo kusetyenziswa njengesithiyelo kodwa inani elincinci leentlanzana lityiwa ngabahlali. Kwiminyaka apho ugxalathelwano lweentlanzana lwenzekayo yi –avareji yeebhokisi zamaplanga ezingama 200 000 okanye iitoni ezingama 500 eziziswa emhlabeni, ezinokuxabisa minyaka le phakathi kwe R1.5 ne R2 million.

Ababanini-malungelo abakhoyo ngoku ikakhulu ngabalobi abangabarhwebi, bohlulelene ngokulinganayo phakathi kwabantu abamnyama nabamhlophe. Kule minyaka imbalwa idlulileyo, amalungelo amabini athathwa ngabanini-malungelo eskwidi abavela eMpuma Koloni. Ababanini malungelo bazise iindlela zokusebenza ezinobuchwepheshe obongeziweyo. Ukusebenzisa kwabo iinqwelomoya zokuqwalasela nezixhobo zokuloba ezikumgangatho ophezulu kukhokelele ekubeni babogqithe abanye abalobi. Onke amaqela aqasha abasebenzi bethutyana ngexesha lokuloba. Ngenxa yoko, malunga nama 700 abasebenzi angaqashwa ithuba lenyanga okanye ezimbini ngonyaka ngamnye.

4. Inkqubo yolwabiwo lwamalungelo exeshana

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle alikatshintshi kangako ukusukela ekukhlaziyweni kwe TAE nokunikezwa kwamalungelo ngo 2001. Amalungelo okuloba exesha eliphakathi azisa iqondo elithile lozinzo kolu shishino lokuloba, noxa kwiminyaka edlulileyo abanini-malungelo bebengena okanye beziphumela kolu shishino ngonyaka ngamnye. I-TAE yamiselwa kuma 35 abanini-malungelo ngo 2001. Kwafunyanwa kuphela ama 27 ezicelo, ezingama 26 kuzo zavunyelwa.

Olu shishino lugxininise kakhulu ekubeni ubenenkunzi yemali ngenxa yenkunzi yemali edingekayo ukuthenga iphenyane elinamandla, iminatha erhuqwayo yaselwandle kunye nenqwelomafutha eyi 4X4, kunye nobungozi obunxulunyaniswa nelixesha lonyaka leentlanzana lifutshane nelinemeko esenokutshintsha nanini. Olu shishino ukuza kuthi ga ngoku lunabanini nabalawuli abamnyama abakuma 50 epesenti.

5. Iinjongo zecandelo eziqukayo

Iinjongo zokunikezwa kwamalungelo exesha elide kushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle koku;

- Ukuphucula ubume bengqu kolushishino lokuloba;
- Ukunikezwa kwamalungelo kubalobi beentlanzana abasebenzisa iminatha erhuqwayo abaxhomekeke kwiintlanzana behlala e KZN;
- Ukuxhasa ukuqhubeka ngezemali koshishino lokuloba; kunye

- Nokugcinwa kobume bendalo yoshishino.

6. Ixesha lamalungelo

Kunikwa ingqwalaselo ezi njongo zingasentla, ISebe liyakunikezela amalungelo okurhweba exesha elingagqithanga kwiminyaka eli 10 (ukusuka 01 Januwari 2006 ukuya ku 31 December 2015). ISebe liya kumana libahlola abo banamalungelo ngendlela abasebenza ngayo.

7. Abangeneli abatsha

Intsalela yemigudu iyafumaneka ukuze inikezelwa kolu shishino. Igunya elithunyelweyo lizakukhangela ukufaka abangeneli abatsha. Abanini-malungelo abangasebenzi kakuhle kunye namashishini anganaguqu aza kushenxiswa kufakwe abanye.

8. Indlela yokuhlola

Izicelo ziyakugocwa-gocwa ngokwendlela yokuthintela (*"exclusionary criteria"*), emva koko zithelekiswe ngendlela elinganayo (*"balancing criteria"*). Emva koko kuchazwe umda wamanqaku okanye izinga ukuze kukhethwe abafaki-zicelo abaphumeleleyo.

8.1 Indlela yokuthintela

Ngaphandle kohlobo oluchazwe kuMgaqo-Nkqubo Jikelele omalunga nokufakwa kwezicelo nokukhutshwa kwezineziphene, igosa elimiselweyo liya kubakhupha abo bathe bohluleka ukuhlangabezana nezimfuno zilandelayo:

- (a) **Uhlobo loMfaki-sicelo:** Nangona uMgaqo-Nkqubo ungazivumeli ngokuqhelekileyo iinkampani nee"close corporations" ekufakeni izicelo kumashishini okuloba akuClusterD, ushishino ngokuloba ngeminatha erhuqwayo yaselwandle lwaseKZN inxaxhile kuwo. Igunya elithunyelweyo lisenokunikeza amalungelo kolu shishino lokuloba, kubantu abazimeleyo kunye nee"close corporations" (hayi iinkampani). Ngokunokwabo abantu abazimeleyo, akunakukhutshwa ngaphezu kwelungelo elinye kusapho (umyeni, abazali nabantwana). Ukongeza apho, ilungelo aliyo kunikezwa kwi"close corporation" namalungu okanye abasebenzi ngokwahlukeneyo.

- (b) **Abalobi be-KZN Sardine beach seine bemveli:** Amalungelo aya kunikezwa kubalobi beminatha erhuqwayo yokuloba yaselwandle abaqhelekileyo okanye ii-close corporations ezinamalungu angabalobi ngeminatha erhuqwayo besithethe baselwandle. Umlobi weminatha erhuqwayo yokuloba yaselwandle oqhelekileyo ngomntu osebenze kolu shishino kule minyaka ilishumi igqithileyo.
- (c) **Ukufikeleleka kwiinethi namaphenyane:** Abafaki zicelo bayakunyanzeleka babonise ukuba banazo iinethi ezifanelekileyo nephenyane elikulungeleyo ukusebenza kolushishino.
- (d) **Ukuthobela:** Abafaki zicelo abaye banjelwa ukophula umthetho ngokunzulu we MLRA (okuye kwakhokelela, ngokomzeko, kwisigwebo sokuvallelwa unganikwa thuba lakuzihlawulela) abayi kunikwa amalungelo. Abafaki-zicelo abaye bahluthelwa ilungelo labo okanye lamiselwa imiqathango ngokuvisisana ne-Marine Living Resources Act nabo abayi kunikwa ilungelo. Olunye ulwaphulo-mthetho olungephi lwe-Marine Living Resources Act luya kuba nefuthe elibi kwizicelo, njengokuba kuboniswe ngezantsi.
- (e) **Abafaki-zicelo abanganyanisekanga:** Abafaki-zicelo abanganyanisekanga njengoko kuchaziweyo kuMgaqo-Nkqubo Jikelele bayakukhutshelwa ngaphandle. Amaqela amakhulu ezicelo ezifana ncam okanye ezifana kakhulu ezixhaswa ngumcebisi okanye inkampani eshishina ngokuloba namanye amaqela baya kukhutshelwa ngaphandle njengabafaki-zicelo abanganyanisekanga kungakhathaliseki ukufanelekeka kwezicelo zabo.
- (f) **Ukungasetyenziswa:** Abanini malungelo abangawasebenzisanga rhoqo amalungelo abo ngexesha eliphakathi kuka 2002 ukuya ku 2004 abayi kukhethwa.
- (g) **Ukubandakanyeka kumacandelo amaninzi:** Abafaki sicelo kweli shishini abanakuba nelineye ilungelo lokuloba, noba kungokugqalileyo okanye ngokungangqalanga njengokuba yi-shareholder(umphathi-sabelo) okanye umpathi kwinkampani okanye ilungu le-close corporation, kuLuhlu A (cluster A) okanye kuLuhlu B (cluster B). Abafaki zicelo abakolu shishino akuvumelekanga ukuba babenelungelo kuLuhlu C noD (cluster C and D), ngaphandle kwe-Traditional Linefish ne-hake handline.
- (h) **Ukubandakanyeka ngokunokwakho buqu ekuvuneni obu butyebe bendalo :** Abafaki-zicelo okanye amanye amalungu bayakunyanzeleka babonise ukuba bakhe bathatha inxaxheba

kushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle ngexesha lonyaka lokuloba yaye baye bazibandakanya ekuqhubeni olu shishino

- (i) **Ukuxhomekeka kobu butyebi bendalo:** Noxa ubufutshane beli xesha lonyaka, ukutshintsha kweemeko kunye nobungozi obunxulunyaniswa nolu shishino lokuloba bubonwa, abafaki-zicelo bazakufuneka babonise umlinganiselo wembali yokuxhomekeka ekuphileni kwabo kolu shishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle.

8.2 Indlela elinganayo yokuthelekisa

Abafaki-zicelo abangabanini-malungelo nabasenokuba ngabangeneli abatsha baya kuvavanywa ngokwezinqobo zokulinganisa zolungelelaniso nothelekiso eziya kuthi ziphononongwe ukuvavanya amandla esicelo ngasinye:

- (a) **Inguqu:** Ukuze kuphuculwe iinguqu kushishino lokuloba ngeminatha erhuqwayo eKZN,, abafaki zicelo bafanele bafumana amanqaku amahle xa bentsundu (ama-Afrika, abeBala namaNdiya). Abafaki-zicelo abakwi-close corporation baya kuhlolwa baze banikwe amanqaku ngokomlinganiselo woko kusegameni labantsundu.
- (b) **Imisebenzi:** Abafaki-zicelo abangabanini-malungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi – okwethutyana okanye isigxina – baya kuvuzwa.
- (c) **Imbali yokubandakanyeka:** Igunya elithunyelweyo liyakuthathela ingqalelo ukuba umfaki-sicelo unexesha elinganani na ezibandakanye kolu shishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle
- (d) **Intsebenzo ekulobeni:** Abo banamalungelo baya kuvavanywa ngokubhekiselele kwintsebenzo yabo ngethuba lamalungelo exeshana.
Abafaki-zicelo abangabangeneli abatsha bayakuvavanywa ngokubhekiselele ekubeni banganakho na, banalo ulwazi kunye nobuchule bokuloba besebenzisa iinethi.
- (e) **Ukuthobela:** Ukungathobeli umthetho we MLRA okungabheke ndawo, imiYalelo yayo, kunye nemiqathango yemvume kuyakubangela ukohluthwa kwamanqaku.

9. Uluhlu lwethutyana

Phambi kokuba igosa elithunyelweyo lenze isigqibo ngolwabiwo lwamalungelo e-beach seine lisenokukhupha uluhlu lwethutyana lwabafaki-zicelo lesithili ngasinye ukuze kuphefumlwe ngalo.

10. Ukuphatha nokuphathisana kushishino lokuloba i-KZN sardine beach-seine

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle eKZN luyakulawulwa ngokungqamene nendlela yokuphathwa kushishino lokuloba yonakekelo lwendalo (i "EAF"). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso equka konke ekwaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamene nako zinefuthe kubume nemeko jikelele yezolwandle. Umgaqo-nkqubo wolawulo ("Operational Management Plan") omtsha wolu shishino lokuloba uzakuqalisa ukusetyenziswa kule minyaka mibini okanye mithathu izayo.

11. Intlawulo yokufaka izicelo

Imali eya kuhlalulwa kwizicelo zaseKZN ekulobeni ngeminatha erhuqwayo zii-R200 (amakhulu amabini eerandi). Le mali ayibuyi yaye imele ihlalulwe yonke..

Irhafu yaminyaka le eza kuhlalulwa ngo-01 Januawari 2006 ize kuqosheliswa emva kokubonisana nabo banamalungelo. Ezi rhafu ziza kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokulawula, ukuvisisanisa nokwenza uphando.

12. Ukusetyenziswa kwezithuthi kwingingqi yonxweme

Abanini –zimvume abaninzi kushishino lokuloba iintlanzana ngeminatha erhuqwayo eKZN bacela imvume yokusebenzisa izithuthi kwingingqi yonxweme kulandela ukungavunyelwa kokusetyenziswa kwezithuthi elwandle okungalawulwayo ngo 2002. Ngo 2004, uMphathiswa wezoBume beNdawo noKhenketho wayitshintshela imigaqo elawula ukusetyenziswa kwezithuthi kwingingqi yonxweme i Regulations and Implementation Guideline (bona i www.mcm-deat.gov.za). Abanini-malungelo kushishino lokuloba iintlanzana ngeminatha erhuqwayo kufuneka bafake izicelo zokusebenzisa isithuthi kwingingqi yonxweme kuSekela Mlawuli Jikelele we Marine and Coastal Management ukuba sifunelwa ukuloba.

lifomu zokucela imvume yokusebenzisa isithuthi kwingingqi yonxweme, kwakunye neefomu zokucela zokunikwa amalungelo kushishino lokuloba iintlanzana ngeminatha erhuqwayo eKZN. Ezifomu zokucela ukusebenzisa isithuthi zikwafumaneka e www.mcm-deat.gov.za.

13. Imiqathango yemvume

Imiqathango yemvume yelicandelo iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iza kuqosheliswa emva kokubonisana nabo banamalungelo kwelicandelo lokuloba yaye iya kumana ihlolwa ngamaxesha athile, xa kuyimfuneko.



**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMQULU WOKUNIKWA NOKUPHATHWA KWAMALUNGELO ENTENGISO
EMSEBENZINI WOKUDOBA OSADINISI NGAMANETHA ADONSWAYO
ASOLWANDLE OLUKWAZULU-NATAL: 2005**

**LE NGUBOMGOMO KUFANELWE IFUNDWE KANYE NOENQUBOMGOMO
EQONDISWE KUBO BONKE EMAYELANA NOKWABIWA KANYEE
NOKUPHATHWA KWAMALUNGELO OKUDOBA ESIKHATHI SIDE
NGENJONGO YEZENTENGISELWANO: 2005 (iyatholakala engosini ethi**

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1. Isethulo

Le nqubomgomo emayelana nokwabiwa kwamalungelo ukudoba izinhlanzi zentengiso ezidotshwe ngamanethi adonswayo ogwini lakwa KwaZulu-Natal (KZN) ikhishwa ngabo nguNgqongqoshe woMnyango wezeMvelo Nokuvakasha ("uNgqongqoshe"). Igatsha Lolwandle kanye nabaphathi bogu ("Umnyango") ukuze umphakathi ubeke imibono yawo. Lendawo okuzodotshwa kuyo izobizwa ngokuthi yi-KZN beach-seine fishery.. Lomthetho kumele ufundwe kanye neNqubomgomo Eqondiswe Kubo Bonke yokwabiwa kanye nokuphathwa entengiso yokudoba yesikhathi eside: 2005 (*"the General Fisheries Policy"*).

Injongo yalo mthetho ukumisa umlinganiselo ozokusetshenziswa ekubekweni kwamalungelo esikhatthi eside okudotshwa kwezinhlanzi zosandinsi be-beach-seine. e-KZN . Okunye kwalokhu kwabiwa okunje akukkho kusha. Kuye kwasetshenziswa nguMnyango Wezemvelo Nezokuvakasha: Branch Marine and Coastal management (*"the Department"*) uma waba amalungelo ngesikhathi esidlule nangezinga le nqubomgomo ehlele ngayo lezi zinto eziyocatshangelwa.

Amanye amalungelo adlule wokwabiwa kokuphathwa kwemithetho abuye aboniswa kule siphakamiso somthetho sivivinyo. Incwadi yokucacissa yabaphathi bakwa KZN bokudoba ngeminatha edonswayo (KZN Beach-seine Fishery Management Manual) izobuye iqedelwe kanye nabo bonke abanikazi abafanele phakathi kwawo unyaka ka 2006. Le ncwadi ecacisayo izokhomba yonke imininingwane yendlela yokuphatha kanyenendlela yokuqhuba le ndawo yokudoba izinhlanzi.

UNgqongqoshe uhlose ukuphathisa igunya lika-section 18 lokwabiwa kwamalungelo okudoba ngenjongo yezentengiselwano kulo mkhakha ngokwemibandela ka-section 79 we-Marine Living Resources Act ka-1998 (*"the MLRA"*) esikhulwini soMnyango. Le ncwadi yenqubomgomo iyoqondisa isikhulu esiphathisiwe ekuthatheni izinqumo ngezicelo zokudoba kule ndawo.

2. Isimo esingokwemvelo sezinhlanzi nemithombo yamandla

Le ndawo ekwa-KZN yokudotshwa ezinhlanzi ezidotshwe ngamanethi adonswayo isebenza ngezikhathi ezithile zonyaka. Ngezinyanga zasebusika osadinisi abakhulu (*Sardinops sagax*) bangena emanzini akwaZulu-Natal ngase ningizimu. Leliqembu eliqhamile lohambo lubizwa ngokuthi Yi KZN "yomjaho wosadinisi".

KZN Sardine Beach-Seine Policy Zulu: November 2005

Umjaho wonyaka wosadinisi uhambisana nokuhamba komsinga iAgulhas kude nogu lolwandle endaweni ewugu lwasendle (Wild Coast) ngesikhathi sasekwindla kuze kufike ubusika nokubanda kwamanzi asolwandle. Lesi sehlakalo sinikeza umhubhe wosadinisi abathanda amanzi abandayo ukuthi bathuthe baye enyakatho ngobubanzi obungamakhilomitha ayishumi nanhlanu ubude, amakhilomitha amathatthu ububanzi futhi amashumi amane amamitha ukujula. Lo mhlambi wezinhlanzi ubiza izinkulungwane yezilwane ezidla ezinye ezifana namaganethi, namahlengethwa kanye noshaka.

Indawo yokudoba osadinisi be-beach-seine esogwini lakwa-KZN ithembele ngokuphelele esahlakalweni sosadinisi abagijimayo. Nangaphezulu, imboni yezokuvakasha kwa KZN ibhukulele ekusebenziseni njengombukiso umjaho wezinhlanzi, sekuhlangele nenasasa lomsebenzi wokudoba ngenethi izinhlanzi ogwini. Kukhona, kodwa, iminyaka lapho ukuzizela kwamanzi abandayo kungenzeki okanye izinhlanzi zingaveli ngasogwini. Ukubanjwa kwezinhlanzi ngamanethi eendaweni yakwa KwaZulu-Natal bekuyaye kungabibikho nakanye ngeminye iminyaka.

Indawo yokudoba osadinisi endaweni yasogwini eKZN ibibekelwe umthetho ukususela ngonyaka yo 1970. Ngaphambi kwe-MLRA, izimvume zazinikezwa ngaabakwa KZN Fisheries Licensing Board. Isibalo esiphelele esinga 35 sezimvumo sasinikezelwa ngonyaka. Izimvumo kanye namalungelo alemihla, ayenikezelwa ngokukhethekile ukuthi kubanjwe osadinisi; zonke ezinye izinhlanzi kwakumele zibuyiselwe emanzini ziphila.

3. Incazelo emfishane ngaloluhlelo

Ukuthengiswa kwesadinisi kubekelwe KwaZulu-Natal kuphela. Ngenxa yokuntuleka kwale nhlanzi, izikhathi ezithile zonyaka, yizo kuphela ezivumelekile ukudoba ngesikhathi sokugijima kwezinhlanzi. Abantu abaningi abasebenzayo baqashwa kweminye imikhakha yokudoba kuze kube sekupheleni konyaka.

Nakuba oosadinisi bephethwe ngendlela ye TAC, iqondwe ikakhulukazi yimboni yokudoba yepelaji, indawo yokudoba ngamanethi ogwini lwaseKZN luphethwe ngabakwa Total applied Effort ("TAE"). Lokho kubangelwa ukuthi umthetho obekelwe indawo yokudoba eKZN ingaphantsi kuka 0.1 yephesenti wokubanjwa kwezinhlanzi ezweni lonke. Imizamo ayivimbelekanga ezindaweni ezithize ngakho ke bavumela abadobi ukuthi balandele oosadinisi ogwini futhi babambe nezinye izinhlanzi njengoba behamba nogu. Kukhona imigomo ebekelwe ukuvimbela ukudoba ezindaweni zogu ezilondolozliwe i TAE (isibalo samanethi okumele asebenze) imiswa nguNgqongqoshe unyaka nonyaka.

Amanethi okudoba osadinisi abekwa kusetshenziswa isikebhe esishwezayo esiphenduliwe. Amaqembu abadobi angathekiselwa ebantwini abanga 20 inethi ngayinye, bayidonsa inethi ngezandla beyiyisa ngasowini. Izinhlanzi ziyathengiswa ngabanini-zimvume kubantu bakuleyo ndawo, okukanye abathengi bathenge okuqukethwe ngesikhathi lisesogwini. Okuningi okubanjwe kusetshenziselwa ukuphinda kubanjwe ezinye izinhlanzi kodwa elinye inani elibanjwe loosadinisi lisetshenziswa ngabantu bendawo. Eminyakeni uma umjarho wezinhlazi wenzeka, isibalo esingu 20 000 ngesilinganiso okukanye u 50 wamathani ziyabanjwa ngenani lezibanjwa minyaka yonke lemali elinganiselwa phakathi kwezigidi ezingu R1.5 kanye ne R2 yezigidi

Abanikazi-bamalungelo abakhona manje ikakhulukazi ngabadobi abangabathengisi bezinhlanzi abaphuma phakathi kwabantu abampisholo nabaMhlophe. Eminyakeni embalwa edlulileyo, amalungelo amabili kuphela abethathwe ngabadobi abangamambela abanini-malungelo abasuka eMpumalanga yeKoloni. Laba banini-malungelo baqalisa ukusebenzisa izinqubo ezichwepheshe kakhulu ekudobeni. Ukusebenzisa kwabo indiza yokuhlola kanye nezigidi zokudoba kubenze baphuma phambili kwabanye abadobi.

Wonke amaqembu aqasha abasebenzi besikhashana kuleso sikhashana sokusebenza. Ngenxa yalokho babalelwa abasebenzi abangaba ngu-700 bangaqashwa ngenyanga ukuya kwezimbili esikhathini sonyaka ngamunye.

4. Inqubo yokwabiwa kwamalungelo esikhathi esiphakathi

Indlela yokudoba ngamanethi ogwini ayikaka shintshi kakhulu ukusukela ngesikhathi ivivinywa ngabakwa TAE kanye nokwabiwa kwamalungelo kwango 2001. Amalungelo esikhathi esiphakathi aletha isigaba esiqinile sokumisa ukudotshwa kwezinhlazi. Eminyakeni edule abanini-zimvume bebengena okukanye baphume ekudobeni esikhathini esingunyaka kuphela. Abakwa TAE baqoshwa ngabanini-zimvume abangu 35 ngonyaka ka 2001. Zaba ngama 27 kuphela izicelo ezemukelwa, ezinga 26 zazo yizo ezavunyelwa ukuthi zisebenze.

Le ndawo yokudoba kubonakala kufuna ngamandla ezezimali ngenxa yobuningi bemali edingwa izikebhe ezishwezayo njengokho amanethi okuloba ogwini kanye nezimoto zohlobo lwe 4X4 kanye futhi nengozi yokulahlekelwa encikene nokuntuleka, kanye nokungabazeka kokubakhona kwesadinisi ngesikhathi sayo sonyaka esifanele. Indawo yokudoba ama 50 yephesenti ayo aphethwe futhi onganyelwe ngabantu abamnyama..

5. Izinjongo zohlelo olwengamile

Izinjongo zokunikezwa kwamalungelo esikhathi eside okudoba ogwini ngamanethi yilezi:

- Ukuthuthukisa izinguquko ohlangothini lokudoba;
- Ukunikwa kwamalungelo okudoba osadinisi ngamanethi ogwini kulabo Bantu bomdabu abebencekelele kosadinisi kanye nezakhamuzi zase KZN;
- Ukuqinisa indlela yezezimali ekudobeni;
- Ukulungiselela ukuqhubeka okuqinile kwezenhlalo nokudoba.

6. Isikhathi samalungelo

Njengo kubhekiselele kulezi injongo ezingenhla, amalungelo okudoba ngenjongo yezentengiselwano azokwabiwa isikhathi iminyaka elishumi (01 January 2006 – 31 December 2015). Lo Mnyango uzohlola ngokuqhubekayo abanikazi bamalungelo uqhathanisa nemibandela ebekelwe ukusebenza.

7. Abezicelo ezintsha

Intsalela yemizamo iyatholakala ekwabiweni ngezindawo zokudoba. Isikhulu esiphathisiwe sizofuna indlela yokungenisa abezicelo ezintsha. Abanikazi bezicelo abangasebenzi ngendlela ephumelelayo nezinhlangano ezingakalwenzi uguquko kuzofakwa abanye esikhundleni sabo -

8. Isimo sokulinganisa ngokuvivinya

Izicelo zizokubhekiswa ngokohlobo "lokulinganisa olukhethekileyo", futhi emva kwalokho zihlolwe ngokwemibandela ebekwe "endleleni yokuqhathanisa". Konke loko kuzokwenziwa ngendlela ezokwenza kukhetheke izicelo eziphumelele. .

8.1 Isimo sokulinganisa ngokukhetha

Ngaphandle kwendlela okuchazwe ngayo Emqulwini Jikelele ngokophathelene nokunikwa kwezicelo kanye namaphepha angalunganga, isikhulu esiphathisiwe ngeke sizinake izicelo zalabo abahluleke ukuhlangabezana nalezi zidingo ezilandelayo:

- (a) **Uhlobo lomfaki sicelo:** Nakuba Inqubomgomo Eqondiswe Kubo Bonke izenqabela izinkampani nama-close corporation ukuthola amalungelo kuCluster D, iKZN iyona kuphela ezovunyelwa. Isikhulu Esiphathisiwe singase siwabe amalungelo kule ndawo yokudoba kubantu kanye nakuma-close corporation (hhayi izinkampani).. Kubanini abangabodwana akuvumelekanga ube nemvume engaphezu kweyodwa kulabo abasemndenini owodwa (abashadile, abazali nezingane). Ziyokushaywa indiva izicelo zalabo abafaka izicelo bama-close corporation namalungu abo abangabodwa...
- (b) **Abadobi basogwini abangabendabuko:** Amalungelo ayakunikezwa kuphela labo ebebekade bengabadobi bosadinisi ogwini noma kuma-close corporation amalungu awo angabadobi bosadinsi be-beach-seine. Umdobi ongokwendabuko we wosadinsi be-beach-seine yilowo mdobi obevele edoba ogwini esikhathini esingangeminyaka eyishumi edlule
- (c) **Ukufinyelela emanethini nasezikhepheni:** Abafaka izicelo kuyomele babonakalise ukuthi banako ukufinyelela emanethini adingekayo kanye nezikhephe ezifanele ukusetshenziselwa lokukudoba..
- (d) **Ukuthobela:** Abafaka izicelo abake bephula kabi umthetho nezimiso ze MLRA (ngokwesibonelo, okwaholela ekugwetshweni kokuboshwa bangavunyelwa ukukhokha) ngeke banikwe amalungelo okudoba. Abenzi bezicelo abamalungelo abo esulwa noma benqatshelwa ngokwemibandela yeMarine Living Resources Act nabo ngeke babelwe amalungelo. Eminye imigaqo evimbelayo yeMarine Living Resources Act izoba nomthelela ongemuhle kubafaki bezicelo njengoba kuboniswe ngezansi.
- (e) **Abafaki bezicelo abanamanga:** Abafaki bezicelo abanamanga bayokhushelwa ngaphandle (njengoba kuchaziwe kuMgomo-jikelele). Amaqembu amakhulu abenzi bezicelo abafanayo noma abafana kakhulu abaxhaswe ngumxhumanisi noma izinkampani ezidobela ukuthengisa nezinye izinhlangano ngeke bacatshangelwe futhi bayobhekwe njengabacashe ngesithupha kungakhathaliseki ukuthi labo benzi bezicelo babonakala befaneleka kangakanani..
- (f) **Ukungasetshenziswa:** Abanini-malungelo abangazange bawasebenzisa phakathi konyaka ka 2002 kanye no 2004 bayokushaywa indiva.
- (g) **Ukungenela imikhakha ngemikha:** Abafaki bezicelo kule ndawo yokudoba bangase bangabi nalo ilungelo lokudoba ngenjongo yezentengiselwano, ngokuqondile noma ngokungaqondile KZN Sardine Beach-Seine Policy Zulu: November 2005

njengabanikazi bamasheya noma abaqondisi benkampani noma ilungu le-close corporation, ezindaweni zokudoba zikaCluster A noma uCluster B. Abenzi bezicelo kule ndawo yokudoba bangase futhi banganikwa amalungelo kwezinye izindawo zokudoba zikaCluster C no-D, ngaphandle kwabanawokudoba ngodobo okungokwendabuko abadoba ngosinga nabadoba ama-oyster.

- (h) **Ukuhlanganyela ngokobuqu ekudotshweni kwezi nhlanzi:** Abafake izicelo, noma amalungu abo kuzodingeka babonise ukuthi nabo bayahileleka ngokobuqu ekudotshweni kosadini be-beach-seine ngenkathi yokudoba futhi baye babamba iqhaza ekuqhutshweni kwebhizinisi
- (h) **Ukuthembela kulengcebo:** Njengoba kunenkani elinganiselwe yokudoba, engenakunqunywa nengaba nezingozi ezithile, abafake bezicelo kuzodingeka ukuba babonise ngokwezinga elithile ukuthi banomlando wokuzondla bona nemikhaya yabo ngokudoba osadini be-beach-seine..

8.2 Inqubo yokulinganisa

Abafaka zicelo zokuthola izimvume zokudoba nalabo abangase bangene kwizimbobi zokudoba bayohlungwa ngaphansi kwenqubo yokuhlunga elandelayo ngokubheka isisindo sesicelo ngasinye

(a) Uguquko

Ukuthuthukisa izinguquko ekudotshweni kwezinhlanzi zosadini endaweni yokudoba yase-KZN, abafake izicelo e KZN kuyomelwe bathole amaphuzu abavunayo uma (beMpisholo, amaKhaladi, amaNdiya). Abafake izicelo bengamalungu e-close corporations bayovivinywa banikwe amaphuzu ngokwalokhu:

Inani labampisholo abangamalungu ezinkampanini zabo. Kanye nokuhlonipha kwabo isishaya-mthetho ekuthuthukisweni kwamakhono. Abenzi bezicelo abangahambisani nale mithetho bangase benqatshelwe ukunikwa ilungelo lokudoba ngenjongo yezentengiselwano.

(b) Imisebenzi

Abafake izicelo zezimvume ababonise ukuthi baye baveza amathuba emisebenzi – awesikhashana okukanye awesikhathi eside – bayakubuyekizwa. Ukwakhiwa kwamathuba omsebenzi kanye nokwanda kwemisebenzi ngenxa yokwabelwa ilungelo lokudoba kwesikhathi esiphakathi kuyovuzwa futhi ikakhulu lapho beye bahlinzeka abasebenzi babo ngomsebenzi wesikhathi esigcwele.

(c) Umlando wokuzibandakanya embonini yokudoba

Isikhulu esiphathisiwe sizocabangela ukuthi side kangakanani isikhathi unmikazi mvume ezibandakanye ekulotshweni kwezinhlanzi zosadini.

(d) Ukusebenza ngokudoba

Abafaka izicelo zezimvume bayokalwa izinga lokusebenza kwabo ngokubheka ngesikhathi esimaphakathi..

Abafaka izicelo okokuqala embonini yokudoba bayohlungwa ngokubhekelela ikhono, ulwazi kanye nokukwazi ukudoba kusetshenziswa amanethi.

(e) Ukuthobela

Ukwepulwa komthetho okungatheni ngaphansi kohlelo lwe-MLRA, nemigomo kanye nezimo zezimvume kuyowehlisa amaphuzu,

9. Uhlu lwesikhashana

Ngaphambi kokuba isikhulu esiphethe senze isinqumo esingumunqamulajuqu , singase sikiphe uhlu lwesikhashana ngendawo ngayinye ukuze kusikwe elijikayo.

10. Ukuphatha nokuphathisana ekuthengisweni kwezinhlanzi ezidotshwe ngamanethi adonswayo ogwini lwase KZN

Intengiso yesadinisi ogwini okudotshwa kulo izophathwa ngokubhekiselene ekulondolozeni imvelo endaweni yokudoba ("EAF"). Indlela okuzokongiwa ngayo ekudobeni izoba ngepheleleyo futhi ifake nomthetho ozobonisa ukuthi ukudoba kanye nokumelene nemvelo okwenziwayo kunamandla ekuhloleni kukonke kwasolwandle.

Icebo elisha elibizwa ngokuthi yi Operational Management Plan lalendawo yokudoba lizokwenziwa esikhathini esingangeminyaka emibili ukuya kwemithathu.

11. Imali yokufaka isicelo

Imali yokufaka isicelo ku-KZN beach-seine ngo-R200 (amarandi angamakhulu amabili). Le mali ayibuyiswa futhi kumelwe ikhokhwe yonke.

Izintela zaminyaka yonke ezikhokhwa kusukela ngomhlaka January 2006 ziyonqunywa ngemva kokuthintana nabanikazi bamalungelo. Lezi zintela ziyosetshenziswa nguMnyango ukuhlangabezana nezindleko zokuphatha zaminyaka yonke, ukwenza ngokuvumelana nomthetho kanye nocwaningo.

12. Ukusetshenziswa kwezinqwelo ezindaweni zasogwini

Abanini-malungelo abaningi abase KZN endaweni yokudoba ngamanethi isadinisi bafake izicelo zokusebanzisa izinqola endaweni esogwini belandela umthetho wokunqatshelwa kokusetshenziswa kwezinqola ezingavumelekanga ogwini ngo 2002. Ngonyaka ka 2004, uNgqongqoshe wezeMvelo nokuVakasha waguqula umthetho ophathelene nokusetshenziswa kwezinqola endaweni esogwini (bona www.mcm-deat.gov.za femithrtho nokusetshenziswa okumisiwe).

Abantu abanamalungelo abase KZN endaweni lapho kudotshwa khona ngamanethi adonswayo isadinisi kufuneka bafake izicelo kusekela Mqondisi (Deputy Director-General of Marine and Coastal Management) ukuze bathole imvume yokusebenzisa izinqola endaweni esogwini uma idingeka ukusetshenziselwa ukudoba.

Amaphepha ezicelo okusebenzisa inqola endaweni esogwini azokwenziwa abe khona, kanye namaphepha ezicelo obunini obukwa KZN ogwini okudotsha kulo isadinisi. La maphepha ezicelo okusebenzisa izinqola ayatholakala kwa www.mcm-deat.gov.za.

13. Imibandela yezimvume

Imibandela yezimvume yalezi zindawo zokudoba iyakhishwa njalo ngonyaka. Imibandela yezimvume izonqunywa ngemva kokuthintana nabanikazi bezimvume kule ndawo yokudoba futhi ingase ibuyekezwe lapho kudingekile



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH MARINE AND COASTAL MANAGEMENT**

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL
FISHING RIGHTS IN THE BEACH-SEINE (TREKNET) AND GILLNET (DRIFT-
NET, SET-NET) COMMERCIAL FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION
AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING RIGHTS: 2005 (available
at www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the commercial beach-seine (treknet) and gillnet (drift-net, set-net) fisheries is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). These fisheries will also be collectively referred to as the beach-seine and gillnet fisheries. This policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General Fisheries Policy"). A separate policy is issued for the KwaZulu-Natal beach-seine fishery.

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial beach-seine and gillnet fishing rights. Many of these considerations are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A Beach-Seine and Gillnet Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial beach-seine and gillnet fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to an official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

The beach-seine and gillnet fisheries are South Africa's oldest commercial fisheries, having been established in the early 1700's and mid 1800's respectively. Besides a minimum mesh size and an area restriction that was originally designed to reduce conflict between beach-seine and gillnet fishers, there were no controls in the fishery until the early 1970's. Since then, both fisheries have been restricted to catching harders (*Liza richardsonii*) and St Joseph sharks (*Callorhynchus capensis*), with a limited by-catch allowance of linefish species. In False Bay, however, right-holders in the beach-seine fishery are entitled to target certain linefish species.

3. Sector Profile

The gillnet fishery is restricted to Yzerfontein northwards whereas the beach-seine fishery is restricted to the west of Gordon's Bay. The estuarine gillnet fishery (namely the Olifants Estuary) will be phased out over a 5- to 10-year period.

As part of the management strategy, the coast and Total Applied Effort ("TAE") is subdivided into "beach-seine and gillnet" areas, effort is limited by gear restrictions, and fishing by means of nets is prohibited in Marine Protected Areas. In essence, the beach-seine and gillnet fishery is set a TAE (number of nets that may be used in each area along the west and south east coasts) on an area basis by the Minister each year.

Prior to the 2001 medium-term right allocation process, the fishery landed approximately 6 000 tons of fish per annum, of which only 1 400 tons were reported on compulsory monthly catch return forms.

A survey of more than 50 percent of permit-holders revealed that less than 10 percent regarded themselves as beach-seine or gillnet fishers while only eight percent were *bona fide*, full-time netfishers who acquired more than 50 percent of their income from the fishery. Permit holders in most areas operated at a loss of between R1 900 and R5 500 per annum, the exceptions being the gillnet fishery in Saldanha-Langebaan, where 50 percent of operators were full time net fishers and the beach-seine fishery in False Bay, where 70 percent of operators were full time netfishers.

The main target species, the harder, is currently over-exploited. There is a direct negative correlation between the degree of effort and stock status. The export market for the secondary target species, St Joseph shark has collapsed, but there is potential for a local market. There is a substantial linefish by-catch comprising mostly over-exploited or collapsed species. Consequently, the management of the netfishery cannot be considered separately from the traditional linefish sector.

There exists a substantial illegal gillnet fishery directed at high value species throughout the west, south and east coasts. Illegal gillnetting on the west coast is mostly directed at galjoen (*Dichistius capensis*) and smooth-hound shark (*Mustelus mustelus*) in the sea and harders, springer / flathead mullet (*Mugil cephalus*) and elf (*Pomatomus saltatrix*) in estuaries. Illegal gillnetting on the south and east coasts is largely confined to estuaries and directed at, amongst others, dusky kob (*Argyrosomus japonicus*), spotted grunter (*Pomadasys commersonnii*) and a range of mullet species.

4. The medium-term rights allocation process

Prior to the revision of the TAE and allocation of rights in 2001, the fishery was completely over-subscribed with 147 beach-seine and 293 gillnet permits issued between Port Nolloth on the West Coast and Nature's Valley on the South Coast. There were a further 120 and 100 gillnet permit-holders in the Olifants and Berg River estuaries respectively. Consequently, effort had to be reduced to levels that would facilitate the recovery of the harder stock and ensure economically viable ventures for the remaining *bona fide* full-time fishers. The TAE was accordingly set at 58 beach-seine rights and 162 gillnets. In the 2001 medium-term rights allocation process, 12 beach-seine net rights and 55 small net (gillnet) rights were allocated. A further 58 netfishers were granted exemptions to fish.

5. Over-arching sectoral objectives

The objectives of allocating long-term rights in the beach-seine and gillnet fishery are to:

- Improve the transformation profile of this sector;
- Allocate rights to traditional beach-seine and gillnet fishers in traditional fishing areas along the west and southeast coasts;
- Facilitate the management of the main target species caught by beach-seine and gillnet right holders, such as harders and St Joseph sharks, in manner which will ensure their recovery from current levels of over-exploitation;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to the above objectives, commercial fishing rights will be allocated for a period of 10 years (1 January 2006 to 31 December 2015). The Department will regularly evaluate right holders against predetermined performance criteria.

7. New entrants

Although the beach-seine and gillnet fishery is currently oversubscribed, with many more netfishers than nets available for allocation, a number of non-performing netfishers may be replaced with traditional netfishers who were not allocated medium-term rights.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter applications will be evaluated in terms of a set of "*comparative balancing criteria*". A cut-off score or rank will then be determined in order to select the successful applicants.

8.1 *Exclusionary criteria*

Apart from the criteria described in the General Policy pertaining to the lodgement of the applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Rights will only be allocated to natural persons. Right-holders who previously operated in the form of juristic persons (i.e. close corporations, trusts or companies) will have to apply in their individual capacities, but may be considered to be "*right-holders*" for purposes of the allocation process.

A household (comprising a couple, their parents and their children) may not be granted more than one right so as to avoid fronts and monopolies and to broaden access to the netfish resource. Applicants may be required to disclose their relationship to applicants in treknet and gillnet fishery as well as in other commercial fisheries. If more than one member of a household applies for a right, all the applications from the family may be excluded, unless the applicants clearly and convincingly demonstrate that they have established separate small commercial operations.

- (b) **Traditional beach-seine & gillnet fishers:** Rights should only be allocated to traditional netfishers. A traditional netfisher is someone who has netfished for a living for at least the past ten years.
- (c) **Access to nets:** Applicants will be required to demonstrate that they have access to the appropriate nets and boats required to operate in this fishery.
- (c) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA the regulations, permit conditions or other serious fishery related offences, will not be allocated a right. Applicants that have had a right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a right. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, then the applicant will not be granted a right if the medium term

right holder or one of its members, directors or controlling shareholders was convicted of a serious transgression or had a right cancelled or revoked. Other breaches of the Marine Living Resources Act will adversely affect applications, as set out below.

- (d) **Paper quotas:** Paper quotas as defined in the General policy will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities will be excluded as fronts (paper quotas) regardless of the merits of individual applications.
- (e) **Non-utilisation:** Right-holders who did not regularly utilise their right during the medium-term period (2002 to 2004) will be excluded.
- (f) **Multi-sector involvement:** Applicants in this fishery may not hold any other commercial fishing right, whether directly or indirectly, as a shareholder or director of a company or member of a close corporation, in the Cluster A or Cluster B fisheries. Right holders in this fishery may also **not** hold commercial rights in the Cluster C or the other Cluster D fisheries, other than white mussels and west coast rock lobster.
- (g) **Personal involvement in harvesting of the resource:** Applicants will be required to demonstrate that they will be personally involved in beach-seine or gillnet fishing.
- (h) **Resident in fishing zone:** Applicants who do not live adjacent to the fishing zone where they have applied for rights should be excluded. Applicants will be required to demonstrate that they have lived adjacent to the fishing zone for at least four years. Successful right-holders in the beach-seine and gillnet fishery will be restricted to designated fishing zones or areas.

8.2 *Comparative balancing criteria*

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria, which will be weighted to assess the strength of each application:

a) **Transformation**

In order to improve the transformation profile of the beach-seine and gillnet fishery, black applicants will be scored positively. Gender may be used as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.

b) Jobs

Right-holder applicants who can demonstrate that they have provided temporary or permanent employment during the medium-term period, will be rewarded.

c) Historical involvement

The delegated authority should consider the length and nature of the applicant's involvement in the commercial beach-seine and gillnet fishery.

d) Fishing performance

Right-holder applicants will be assessed by having regard to their fishing performance during the medium-term period (2002 to 2004).

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skill to fish using nets.

e) Reliance on net fishing

The delegated authority should prefer applicants who rely on net fishing for a significant proportion of their gross annual income. Applicants or their members who derive income from sources outside of the fishing industry may be penalised. Potential new entrants will be required to demonstrate their historical dependency on the net fishery for their livelihood.

f) Compliance

Less than serious infringements of the MLRA, the regulations and permit conditions, will be negatively scored.

9. Provisional lists

Before the delegated authority makes a final decision on the allocation of treknet and gillnet rights, he or she may issue a provisional list of applicants for each area for comment.

10. Management and co-management of the net fisheries

The beach-seine and gillnet fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries is a holistic and integrated policy which recognises that fishing and associated land-based activities impact on the broader marine environment.

A new Operational Management Plan for the fishery will be implemented within the next two to three years. It is the intention of the Department to promote co-management of the resource by re-enforcing the TURF (Territorial User Rights Fishery) system.

Further, the Department may in future adopt a net fishing day restriction to further manage effort in the net fishery. The reduction of fishing time may be more appropriate than simply reducing the number of nets that may be used in particular areas.

11. Application fees

The fee payable on application for a net fish right is R200 (two hundred rand). This fee is non-refundable and must be paid in full.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

12. Vehicle use in the coastal zone

Many beach-seine right holders sought permission to use vehicles in the coastal zone since the prohibition of unregulated vehicle use on beaches in 2002. In 2004, the Minister of Environmental Affairs and Tourism amended the regulations that control vehicle use in the coastal zone (see www.mcm-deat.gov.za for the Regulations and Implementation Guideline).

Beach-seine fishers must apply to the Deputy Director-General of Marine and Coastal Management for a permit to use a vehicle in the coastal zone if required for fishing.

Application forms for vehicle use in the coastal zone will be made available along with the application forms for commercial fishing rights in the beach-seine and gillnet fishery. The application forms for vehicle use are also available from www.mcm-deat.gov.za.

13. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.



**DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME
TAK MARIENE EN KUSBESTUUR**

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE STRANDSEËNNET (TREKNET) EN KIEFNET
(DRYFNET EN SETNET) VISSERYE: 2005**

**HIERDIE BELEID MOET SAAM GELEES WORD MET DIE ALGEMENE BELEID
VIR DIE TOEKENNING EN BESTUUR VAN LANGTERMYN KOMMERSIËLE
VISVANGREGTE: 2005 (beskikbaar by www.mcm-deat.gov.za)**

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1. Inleiding

Hierdie beleid vir die toekenning en bestuur van langtermyn kommersiële visvangregte in die strandseën (treknet) en kiefnet (dryfnet, setnet) of visserye word uitgereik deur die Minister van Omgewingsake en Toerisme ("die Minister"). Daar sal ook kollektief na hierdie visserye verwys word as die strandseën- en kiefnetvisserye. Hierdie beleid moet saamgelees word met die Algemene Beleid vir die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005("die Algemene Beleid"). 'n Aparte beleid word vir die KwaZulu-Natal strandseënnet vissery uitgereik.

Die doel van hierdie beleid is om die oorwegings uiteen te sit van toepassing op die toekenning van langtermyn kommersiële strandseën en kiefnet visvangregte. Baie van hierdie oorwegings is nie nuut nie. Hulle is in die verlede deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement") gebruik by die toekenning van regte en tot 'n mate beliggaam hierdie beleid sodanige oorwegings.

Sekere voorgenome bestuursbeleidsrigtings vir die periode na die toekenning van regte verskyn ook in hierdie beleid. 'n Bestuurshandleiding vir die Strandseënnet en Kiefnet Visserye sal met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handleiding sal in die fynste besonderhede die toepaslike bestuursmetodes en prosedures vir die vissery uitstippel.

Die Minister is voornemens om die artikel 18 magte om kommersiële strandseënnet en kiefnet visvangregte toe te ken, in terme van artikel 79 van die Wet op Lewende Mariene Hulprone 18 van 1998 ("die WLMH") aan 'n beampte van die Departement te delegeer. Hierdie beleidsdokument sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie vissery..

2. Biologie en brondinamika

Die strandseënnet en kiefnet visserye is Suid-Afrika se oudste kommersiële visserye, en is in die vroeë 1700s en middel 1800s onderskeidelik gevestig. Buiten 'n minimum maasgrootte en 'n area beperking wat oorspronklik ontwerp was om konflik tussen strandseën- en kiefnetvissers te verminder, was daar geen kontrole in die vissery tot die vroeë 1970s nie. Sedertdien is albei visserye beperk tot die vang van harders (*Liza richardsonii*) en St Joseph-haaie (*Callorhynchus capensis*), met 'n beperkte byvangstoelaag ten opsigte van lynvisspesies. In Valsbaai is regtehouers van die strandseënnet vissery egter by magte om bepaalde lynvisspesies te teiken.

3. Sektorale profiel

Die kiefnet vissery is beperk tot Yzerfontein en noordwaarts, terwyl die strandseënnet-vissery beperk is tot wes van Gordonsbaai. Die riviermond kiefnet vissery (naamlik die Olifantsriviermonding) sal oor 'n 5- tot 10-jaar periode uitgefaseer word.

As deel van die bestuurstrategie word die kus en Totale Ontplooide Vangspoging ("TOV") onderverdeel in "strandseën- en kiefnet" areas, vangpoging word beheer deur toerustingbeperkings en visvangs by wyse van nette word verbied in Beskermde Mariene Gebiede. In wese, word 'n TOV (aantal nette wat in elke gebied langs die wes- en suidooskus gebruik mag word) vir die strandseën- en kiefnet visserye jaarliks op 'n gebiedsgrondslag deur die Minister vasgestel.

Voor die 2001 medium-termyn regtetoekenning proses het die vissery ongeveer 6 000 ton vis per jaar geland, waarvan slegs 1 400 ton op die verpligte maandelikse vangsvorms gerapporteer is.

'n Oorsig van meer as 50 persent van permithouers het aan die lig gebring dat minder as 10 persent hulleself as strandseën- of kiefnetvisser beskou, terwyl slegs agt persent *bona fide*, voltydse netvisser was wat meer as 50 persent van hulle inkomste uit die vissery verhaal het. Permithouers in die meeste gebiede het teen 'n verlies van tussen R1 900 en R5 500 per jaar opereer, uitgesonderd die kiefnet vissery in Saldanha-Langebaan, waar 50 persent van die operateurs voltydse netvisser was, en die strandseën vissery in Valsbaai, waar 70 persent van die operateurs voltydse netvisser was.

Die hoof teikenspesie, die harder, word tans oor-ontgin. Daar is 'n regstreekse negatiewe verband tussen die graad van vangspoging en die voorraadstatus. Die uitvoermark vir die sekondêre teikenspesie, St Joseph-haai, het platgeval, maar daar bestaan potensiaal vir 'n plaaslike mark. Daar is 'n aansienlike lynvis byvangs wat bestaan uit hoofsaaklik oor-ontgingde of ineengestorte spesies. Gevolglik kan bestuur van die netvis vissery nie losstaande van die tradisionele lynvis sektor oorweeg word nie.

Daar bestaan 'n aansienlike onwettige kiefnet vissery gerig op hoë-waarde spesies, langs die wes-, suid- en ooskus. Onwettige kiefnetvisvangs aan die weskus is hoofsaaklik gerig op galjoen (*Dichistius capensis*) en gladde-hondhaai (*Mustelus mustelus*) in die see, en harders, springer / platkop-harder (*Mugil cephalus*) en elf (*Pomatomus saltatrix*) in riviermondings. Onwettige kiefnetvisvangs aan die suid- en ooskus word hoofsaaklik tot riviermondings beperk en is gerig op onder andere kabeljou, (*Argyrosomus japonicus*), gespikkelde-knorhaan (*Pomadasys commersonnii*) en 'n reeks harder-spesies.

Netvis Beleid: November 2005

4. Die proses van medium-termyn regtetoekenning

Voor die hersiening van die TOV en die toekenning van regte in 2001, was die vissery heeltemaal oorskryf met 147 strandseën- en 293 kiefnet permitte wat uitgereik is tussen Port Nolloth aan die Weskus, en Nature's Valley aan die Suidkus. Daar was 'n verdere 120 en 100 kiefnet permithouers in die Olifants- en Bergriviermondings onderskeidelik. Gevolglik moes vangspogings verminder word tot op vlakke wat die herstel van die hardervoorraad kon bevorder en ekonomiese lewensvatbare ondernemings vir die oorblywende *bona fide* voltydse vissers kon verseker. Die TOV is dienoooreenkomstig op 58 strandseën- en 162 kiefnetregte vasgestel. In die 2001 medium-termyn regtetoekenningsproses is 12 strandseën- en 55 kleinnet (kiefnet) regte toegeken. Daat is vrystellings aan 'n verdere verdere 58 netvissers toegestaan om vis te vang.

5. Oorkoepelende sektorale doelwitte

Die doelwitte met die toekenning van langtermynregte in die strandseënnet en kiefnet visserye is om:

- Die transformasieprofiel van hierdie sektor te verbeter;
- Regte toe te ken aan tradisionele strandseën- en kiefnetvissers in tradisionele visvanggebiede langs die wes- en suidoos-kus;
- Die bestuur van hoofteikenspesies wat deur trek- en dryfnette regtehouers gevang word, soos harders en St Joseph-haaie, te fasiliteer op 'n manier wat sal verseker dat die huidige vlakke van oor-ontginning herstel word;
- Die ekonomiese lewensvatbaarheid van die vissery te ondersteun; en
- Die omgewingsvolhoubaarheid van die vissery te verseker.

6. Duur van regte

Met inagneming van bogenoemde doelwitte sal kommersiële visvangregte toegeken word vir 'n periode van 10 jaar (1 Januarie 2006 tot en met 31 Desember 2015). Die Departement sal gereeld regtehouers evalueer teen voorafbepaalde prestasiekriteria.

7. Nuwe Inkomelinge

Hoewel die strandseën- en kiefnet visserye tans oorskryf is, met baie meer netvisser as nette beskikbaar vir toekenning, mag 'n aantal netvisser wat nie presteer het nie, vervang word met tradisionele netvisser aan wie daar nie medium-termyn regte toegeken is nie.

8. Evalueringskriteria

Aansoeke sal gesif word ingevolge 'n stel "*uitsluitingskriteria*". Daarna sal die aansoeke evalueer word ingevolge 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt of rangorde sal dan vasgestel word ten einde die suksesvolle aansoekers te bepaal.

8.1 Uitsluitingskriteria

Behalwe kriteria beskryf in die Algemene Beleid oor die onbehoorlike indien van aansoeke en wesentlike tekortkominge sal die gedelegeerde owerheid aansoekers uitsluit wat versuim om aan die volgende vereistes te voldoen:

- (a) **Vorm van die aansoeker:** Regte sal slegs aan natuurlike persone toegeken word. Regtehouers wat vantevore in die vorm van juridiese persone (d.w.s. beslote korporasies, trusts of maatskappye) werksaam was sal in hulle persoonlike hoedanighede moet aansoek doen, maar mag as "*regtehouers*" beskou word vir doeleindes van die toekenningsproses.

Daar mag nie meer as een reg aan 'n huishouding (wat bestaan uit 'n egpaar, hulle ouers en hulle kinders) toegeken word nie ten einde fronte en monopolieë te vermy asook om toegang tot die netvisbronne te versprei. Daar mag van aansoekers verwag word om hulle verwantskap met aansoekers in die strandseën en kiefnet visserye asook ander kommersiële visserye te verklaar. Indien meer as een lid van 'n huishouding om 'n reg aansoek doen, mag al die aansoeke van die huishouding uitgesluit word, tensy die aansoekers duidelik en oortuigend aantoon dat hulle aparte, klein kommersiële ondernemings gestig het.

- (b) **Tradisionele strandseën- en kiefnetvisser:** Regte behoort slegs aan tradisionele netvisser toegeken te word. 'n Tradisionele netvisser is iemand wat vir 'n bestaan netvis bedryf vir ten minste die afgelope tien jaar.

- (c) **Toegang tot nette:** Aansoekers sal moet aantoon dat hulle toegang tot die geskikte nette en bote het wat nodig is om in hierdie vissery werksaam te wees.
- (c) **Wetsnakoming:** Daar sal nie regte toegeken word aan aansoekers wat skuldig bevind is aan 'n ernstige oortreding van die WLMH, die regulasies daarby, permitvoorwaardes of ander ernstige vissery verwante oortredings nie. Aansoekers wie se regte ingevolge die WLMH gekanselleer of ingetrek is, sal ook nie 'n reg ontvang nie. Indien die aansoeker 'n lid van 'n beslote korporasie of aandeelhouer van 'n maatskappy was wat 'n medium-termyn reg gehou het, sal die aansoeker nie 'n reg ontvang nie indien die medium-termyn regtehouer of een van sy lede, direkteure of beherende aandeelhouders skuldig bevind is aan 'n ernstige oortreding of 'n reg gehad het wat gekanselleer of ingetrek is. Ander oortredings van die WLMH sal aansoeke nadelig beïnvloed soos hieronder uiteengesit.
- (d) **Papierkwotas:** Papierkwotas soos in die Algemene Beleid bepaal, sal uitgesluit word. Groot groepe identiese of erg soortgelyke aansoeke, wat geborg is deur konsultante of kommersiële visvangmaatskappye en ander entiteite, sal uitgesluit word as fronte (papierkwotas), ongeag die meriete van die individuele aansoeke.
- (e) **Nie-gebruik:** Regtehouers wat nie gereeld hulle regte gedurende die medium-termyn periode (2002 tot 2004) gebruik het nie, sal uitgesluit word.
- (f) **Multi-sektorale betrokkenheid:** Aansoekers in hierdie sektor mag nie enige ander kommersiële visvangreg in die Groep A en Groep B visserye hou nie, hetsy direk of indirek as aandeelhouer of direkteur van 'n maatskappy of lid van 'n beslote korporasie. Regtehouers in hierdie vissery mag ook nie kommersiële regte in die ander Groep C of die ander Groep D visserye hou nie, behalwe witmossel en weskuskeef.
- (g) **Persoonlike betrokkenheid by die oes van die hulpbron:** Daar sal van aansoekers vereis word om aan te toon dat hulle persoonlik betrokke sal wees in strandseën- of kiefnet visvangs.
- (h) **Woonagtig in visvangsone:** Aansoekers wat nie woonagtig is langs die visvangsone waar hulle om regte aansoek gedoen het nie, behoort uitgesluit te word. Daar sal van aansoekers vereis word om aan te toon dat hulle al ten minste vier jaar lank langs die betrokke visvangsone woon. Suksesvolle regtehouers in die strandseënnet en kiefnet visserye sal beperk word tot aangewese visvangsone-gebiede.

8.2 Vergelykende balanseringskriteria

Regtehouer aansoekers en potensiële nuwe inkomeling aansoekers sal evalueer word in terme van die volgende balanseringskriteria, wat gelaai sal word om die sterkte van elke aansoek te bepaal:

(a) Transformasie

Ten einde die transformasieprofiel van die strandseënnet en kiefnet vissery te verbeter, sal positiewe punte toegeken word aan swart aansoekers. Geslag mag as 'n valbyl-faktor gebruik word, m.a.w. waar meer as een aansoeker dieselfde aantal punte ontvang, sal 'n vroulike aansoeker verkies word bo 'n manlike aansoeker.

(b) Werksgeleenthede

Regtehouer aansoekers wat kan aantoon dat hulle tydelike of permanente werksgeleenthede gedurende die medium-termyn tydperk verskaf het, sal beloon word.

(c) Historiese betrokkenheid

Die gedelegeerde owerheid behoort oorweging te gee aan die tydperk en aard van die aansoeker se betrokkenheid in die kommersiële strandseënnet of kiefnet vissery.

(d) Visvangprestasie

Regtehouer aansoekers sal evalueer word met inagneming van hulle visvangprestasie gedurende die medium-termyn tydperk (2002 tot 2004).

Nuwe inkomeling aansoekers sal evalueer word met verwysing na of hulle oor die vermoë, kennis en vaardighede beskik om vis te vang met nette.

(e) Afhanklikheid van die bron

Die gedelegeerde owerheid behoort aansoekers te verkies wat afhanklik is van netvisvangs vir 'n aansienlike gedeelte van hulle bruto jaarlikse inkomste. Aansoekers of hul lede wat inkomste verdien van bronne buite die visvangindustrie mag gepenaliseer word. Daar sal van potensiële nuwe inkomelinge vereis word om hulle historiese afhanklikheid van die netvis vissery vir 'n bestaan, aan te toon.

(f) Wetsnakoming

Negatiewe punte sal toegeken word vir nie-ernstige oortredings van die WLMH, sy regulasies en permit voorwaardes.

9. Voorlopige lys

Voordat die gedelegeerde owerheid 'n finale besluit neem oor die toekenning van strandseënnet- en kiefnetregte mag hy/sy 'n voorlopige lys van aansoekers vir kommentaar uitreik vir elk van die gebiede.

10. Bestuur en mede-bestuur van die netvisserye

Die strandseënnet en kiefnet visserye sal bestuur word in terme van 'n ekosisteembenadering tot die bestuur van visserye ("EBV"). 'n Ekosisteembenadering tot die bestuur van visserye is 'n holistiese en geïntegreerde beleid wat erken dat visvang- en verwante land-gebaseerde aktiwiteite die breë mariene omgewing kan beïnvloed.

'n Nuwe Operasionele Bestuursplan vir die visserye sal binne die volgende twee tot drie jaar in werking gestel word. Die Departement is van voorneme om mede-bestuur van die hulpbron te bevorder deur die TGV (Territoriale Gebruikersreg-Visserye) stelsel te onderskraag.

Verder mag die Departement in die toekoms 'n netvis dagbepierking instel om verder vangspoging in die netvisserye te bestuur. Die vermindering van visvangtye mag meer geskik wees as om bloot die aantal nette wat in sekere areas benut mag word te verminder.

11. Aansoekgelde

Die fooi betaalbaar by aansoek vir 'n netvisreg is R200 (twee honderd rand). Hierdie fooi is nie-terugbetaalbaar en moet ten volle betaal word.

Die jaarlikse heffings betaalbaar met ingang van 1 Januarie 2006 sal bepaal word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

12. Gebruik van voertuie in die kussone

Baie strandseënnets regtehouers het toestemming gevra om voertuie te gebruik in die kussone, nadat ongereguleerde voertuiggebruik op strande in 2002 verbied is. In 2004 het die Minister die regulasies wat voertuiggebruik in die kussone beheer, gewysig (sien www.mcm-deat.gov.za vir die Regulasies en die Implementasie Riglyne).

Strandseënnets regtehouers moet aansoek doen by die Adjunk Direkteur-Generaal van Mariene en Kusbestuur vir 'n permit om 'n voertuig in die kussone te gebruik, indien nodig vir visvangs.

Aansoekvorms vir die gebruik van voertuie in die kussone sal beskikbaar gestel word, saam met die aansoekvorms vir regte in die strandseënnets en kiefnets visserij. Aansoekvorms vir voertuiggebruik is ook beskikbaar by www.mcm-deat.gov.za.

13. Permitvoorwaardes

Permitvoorwaardes vir hierdie visserij sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na oorlegpleging met regtehouers in hierdie visserij en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.



ISEBE LEZOBUME BENDAWO NOKHENKETHO

ICANDELO LOLAWULO LOLWANDLE NONXWEME

UMGAQO-NKQUBO WOKUNIKEZWA NOKULAWULWA KWAMALUNGelo

EXESHA ELIDE OKURHWEBA NGOKULOBA BEACH-SEINE (TREKNET)

NEGILLNET (DRIFT-NET, SET-NET) COMMERCIAL FISHERY: 2005

LO MGAQO-NKQUBO MAWUFUNDWE KUNYE NOMGAQO-NKQUBO

JIKELELE NGOKUNIKEZWA NOKULAWULWA KWAMALUNGelo EXESHA

ELIDE OKURHWEBA NGOKULOBA: 2005

(iyafumaneka ku- www.mcm-deat.gov.za)

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1. Intshayelelo

Lo mgaqo nkqubo wolwabiwo nolawulo lwamalungelo okuloba kwiCandelo Loshishino Nge-Beach-seine ne-Gillnet ukutshwe nguMpathiswa Wecandelo Lezendalo Nokhenketho ("Umphathiswa"). Lo mgaqo nkqubo mawufundwe kunye Nomgaqo Nkqubo Jikelele woLwabiwo noLawulo lwaMalungelo exesha elide Orhwebo Lokuloba lowama:2005 ("uMgaqo-nkqubo Jikelele"). Umgaqo-Nkqubo owahlukileyo ukhutshelwe ushishino lokuloba ngee beach-seine KwaZulu-Natal

Injongo yalo mgaqo-nkqubo kukumisela imiba eyakuthi isebenze kunikezelo lwamalungelo oshishino lokuloba i-Beach-seine nee-Gillnet. Eminye imiba ayimithshanga apha. Ibisele isetyenzisiwe liSebe Lezobume Bendalo Nokheketho: Isebe Lolawulo loLwandle noNxweme ("iSebe") kwixesha elidlulileyo xa kwakusabiwa amalungelo, kwaye ubukhulu bale nkqubo bubonisa ukubhalwa kwemithetho ngokulandelelanayo kwale miba

Eminye imiba eyothi ilawule amalungelo anikezelweyo ichaziwe ngokubanzi kulomgaqo nkqubo. Ulawulo lwesikhokelo Nkqubo yoShishino Lwecandelo lokuloba i-Beach-seine nee-Gillnet iza kuqunjelwa ngawo onke amalungu amalungelo ngexesha lalenkqubo ngowama-2006. Esi sikhokelo siyakunika inkcazelo emisa ulawulo lolwazi lwenkqubo kunye nenkqubo yendawo ekulotywa kuyo.

Umphathiswa uzimisele ukunika igunya lecandelo 18 lokunikezela ngamalungelo orhwebo lokuloba i-Beach-seine nee-gillnet ngokuvisisana necandelo 79 le-Marine Living Resources Act 18 of 1998 ("the MLRA") kwigosa leSebe. Lo mqulu uya kukhokele lowo ugunyazisiweyo ekuthatheni izigqibo ngezicelo kwelicandelo

2. iBhayoloji neentshukumo zobubutyebi bendalo beli candelo

Amashisishini okuloba ngee beach-seine nee gillnet ngawona mashishini orhwebo ngoluloba madala apha eMzantsi Afrika, awasekwa ekuqalekeni kweminyaka yoo 1700 naphakathi kwiminyaka yoo 1800 ngokulandelelanayo. Ngaphandle nje kwezithintelo ngobuncinane bomlinganiselo weenethi kunye nezithintelo zeengingqi, lwaluingekho ulawulo kolu shishino lokuloba kwade kwaba sekuqaleni kweminyaka yoo 1970. Ukusukela ngoko, omabini la mashishini avunyelwa ukubambisa kuphela iiharders (*Liza richardsonii*) kunye neeSt Joseph sharks (*Callorhynchus capensis*), kukhatshwa yimvume encinci yokubambisa ecaleni iindidi ze linefish. eFalse Bay, nook kunjalo, abanini- malungelo kushishisno lokuloba ngee beach-seine banelungelo lokujolisa iindidi ezithile zelinefish.

3. Ubume belicandelo

Ushishino ngokuloba ngee gillnet luvumeleke kuphela ekuyeni ngasemantla eYzerfontein ekubeni ushishino ngokuloba ngee beach-seine luvumeleke kuphela kwintshona ye Gordon's Bay. Ushishino ngokuloba ngeegillnet echwebeni (olubizwa i-Olifants Estuary) luza kubhangiswa kwisithuba seminyaka emi-5 ukuya kwiminyaka eli-10.

Njengenxalenye yecebo lokuphatha, unxweme ne Total Applied Effort (i "TAE") luhlula-hlulwe lwaba ziingingqi zee"beach-seine nee gillnet", iinzame zinezithintelo zezixhobo kwaye nokuloba ngeenethi akuvumelekanga kwiingingqi zoLwandle eziKhuselweyo. Ngeny' indlela, ushishino lokuloba ngee beach-seine nee gillnet lumiselwe iTAE (inani leenethi ezinokusetyenziswa kwingingqi nganye engqamene namanxweme asentshona nasemzantsi mpuma) ngokommiselo wengingqi nguMphathiswa ngonyaka ngamnye.

Phambi kwenkqubo yokunikezelwa kwamalungelo exeshana ka 2001, olu shishino luzise iitoni eziqikelelwa kumawaka amathandathu (6 000) eentlanzi ngonyaka, enxalenye yayo eyi 1 400 kuphela eyachazwayo kwiifomu ezisisinyanzeliso zengxelo yokubanjisiweyo ngenyanga nganye.

Isibalo esingaphezulu kweepesenti ezingamashumi amahlanu (50) sabonisa ukuba linani elingaphantsi kweepesenti ezilishumi (10) labalobi abazibiza ngokuba bangabalobi ngee beach-seine okanye ngeegillnet, ekubeni isisibhozo sepesenti kuphela ababengabalobi ngeenethi bokwenyani abasisigxina abafumana ngaphezulu kweepesenti ezingamashumi amahlanu (50) zengeniso yabo kolu shishino lokuloba. Abanini-mvume kwiingingqi ezininzi bafumana inkcitho ephakathi kwe R1 900 ne R5 500 ngonyaka, ngaphandle koshishino lokuloba ngee gillnet eSaldanha-Langebaan, apho amashumi amahlanu (50) epesenti wosomashishini ayengabalobi ngeenethi besigxina kunye noshishino lokuloba ngee beach-seine eFalse Bay, apho ipesenti engamashumi asixhenxe (70) ingabalobi ngeenethi abasisigxina.

Olona didi kujoliswe kulo, iharder, kungokunje lusetyenziswe ngokugqithisileyo. Kukho unxibelelwano oluthe ngqo olubi phakathi kweenzame nobungakanani bestokhwe. Imakethe yokuthengisela amanye amazwe udidi ekujoliswe kulo, iSt Joseph shark iye yaphela, kodwa likhona ithemba lemakethe yalapha ekhaya. Kukho ukulotywa kwe linefish kwempazamo okudibene nentlanzi eziphelelwengamadla okanye ezizifeleyo. Okulandelayo, abaphathi bentlanzi ezilotywa ngomnatha abanakuthathwa njengabasecaleni ekulobeni okuqhelekileyo ngentambo..

Kukho ukulotywakwe gillnet okungekho mthethweni okujoliswe kumaxabiso aphezulu kuhlobo olunye kuyoyonke intshona, kumzantsi nakumanxweme lwempuma. Igillnetting engokho mthethweni kunxweme Netfish Policy Xhosa: November 2005

Iwentshono lujolise ikakhulu kwi galjoen (*Dichistius capensis*) ne smooth-hound shark (*Mustelus mustelus*) elwandle ne harders, i springer / flathead mullet (*Mugil cephalus*) ne elf (*Pomatomus saltatrix*) emachwebeni. I gillnetting engekho mthethweni kumanxweme asemazantsi nasempuma zixhomekeke ikakhulu emachwebeni naphakathi kwezinye, idusky kob (*Argyrosomus japonicus*), i spotted grunter (*Pomadasys commersonnii*) no ludwe lwe mullet.

4. Inkqubo yolwabiwo lwamalungelo exeshana

Phambi kokuhlaziywa kwe TAE nokunikezwa kamalungelo kolu shishino lokuloba ngo2001, ulu shishino belugcwele ngokugqithisileyo kuneemvume zee beach-seine eziyi 147 ne 293 zeegillnet ezakhutshwayo phakathi kwe Port Nolloth ekunxweme oluseNtshona kunye ne Nature's Valley ekunxweme olusemaZantsi. Kwakukho nabanye abanini-mvume abayi 120 nabayi 100 kumachweba emilambo iOlifants neBerg River ngokulandelelana kwawo. Ngenxa yoko kwafuneka imizamo incitshiswe iye kumaqondo aya kubangela ukubuyiselwa kwestokhwe esiqinileyo ze kuqinisekiswa amashishini anenkqubela ngokwezimali kubalobi bokwenyani abasisigxina abasashiyekileyo. I TAE yamiselwa ke ngoko ukuba ibe ngamalungelo ee beach-seine ayi 58 nawe gillnets ayi 162. Kwinkqubo yokunikezwa amalungelo exeshana ka 2001, ngamalungelo ayi 12 ee beach-seine nawenethi ezincinci (igillnet) ayi 55 anikezwayo. Abanye abalobi ngeenethi abayi 58 banikwa izikhululo zokuloba iintlanzi.

5. Iinjongo zecandelo eziqukayo

Iinjongo zokunikezwa kwamalungelo exesha elide kushishino lokuloba ngee beach-seine okanye ngee gillnet kuku:

- Ukuphucula ubume benguqu kolushishino lokuloba;
- Ukunikezwa kwamalungelo kubalobi bemveli abasebenzisa ii beach-seine okanye ii gillnet abaxhomekeke kwiintlanzana behlala kwiingingqi zokuloba ezikumaxweme asentshona nasemzantsi-mpuma;
- Ukwamkela ukuphathwa kolu shishino ngendlela eqinisekisa olona didi kujoliswe kulo ekulobeni elibanjiswa ngee beach-seine okanye ii gillnet, njengee harders nee St Joseph sharks, ngokweqondo eliya kuqinisekisa ukuba kubuyiswa ezo zixhatshazwe kakhulu;
- Ukuxhasa ukuqhubekeka ngezemali koshishino lokuloba; kunye
- Nokugcinakala kobume bendalo yoshishino lokuloba.

6. Ithuba lamalungelo

Kunikwa ingqaliselo ezi njongo zingasentla, amalungelo okurhweba exesha elingagqithanga kwiminyaka eli 10 (ukusuka 01 Januwari 2006 ukuya ku 31 December 2015) aya kunikezelwa. ISebe liya kubahlola rhoqo abo banamalungelo ngendlela abasebenza ngayo.

7. Abangeneleli abatsha

Nangona ushishino lokuloba ngee beach-seine nee gillnet kungoku nje lugcwele ngokugqithisileyo, kunye nabalobi ngeenethi bebaninzi kuneenethi ezikhoyo ezinokunikezwa, abalobi ngeenethi abangasebenziyo basenokushenxiswa kufakwe abalobi ngeenethi bemveli ababenganikwanga amalungelo exeshana.

8. Uhlobo lokuhlola

Izicelo ziyakugocwa-gocwa ngokwendlela yokuthintela (*"exclusionary criteria"*), emva koko zithelekiswe ngendlela elinganayo (*"balancing criteria"*). Emva koko kuchazwe umda wamanqaku okanye izinga ukuze kukhethwe kwahlulwe abafaki-zicelo abaphumeleleyo.

8.1 Uhlobo lokuthintela

Ngaphandle kohlobo oluchazwe kuMgaqo-Nkqubo Jikelele omalunga nokufakwa kwezicelo nokukhutshwa kwezineziphene, igosa elimiselweyo liya kubakhupha abo bathe bohluleka ukuhlangabezana nezimfuno ezilandelayo:

- (a) **Uhlobo loMfaki-sicelo:** Ngabantu abazimeleyo kuphela abaya kufumana amalungelo. Abanini-malungelo abebekade besebenza njengabantu abagunyazisiweyo (okt. ii"close corporation, iitrasti okanye iinkampani), kuyakufuneka ukuba bafake izicelo ngokuzimela ngokwabo buqu, kodwa bayakuqwalaselwa njenga *"banini-malungelo"* ukulungiselela inkqubo yokunikezela. Usapho (olubandakanya isibini, abazali baso kunye nabantwana), abanakunikwa ngaphezu kwelungelo elinye ukunqanda ukuxhamla kwabo bodwa nokwandisa ukufikelela kubutyebi be netfish. Abafaki-zicelo basenokufuneka ukuba bachaze ubudlelwane babo kubafaki-zicelo abakwi-treknet and gillnet fishery kwakanye namanye amashishini okurhweba ngokuloba. Ukuba bangaphezu kwesinye abantu abangamalungu osapho olunye abafaka isicelo selungelo, zonke izicelo zolo sapho zingakhutshelwa ngaphandle, ngaphandle kokuba abafaki zicelo baye babonisa ngokungathandabuzekiyo ukuba baseke amashishini orhwebo amancinci awohlukeneyo.

- (b) **Abalobi bemveli be-beach seine ne-gillnet:** Amalungelo aya kunikezwa kubalobi beminatha bemveli. Umlobi weminatha wemveli ngomntu oloba ngeminatha kule minyaka ilishumi igqithileyo.
- (c) **Ukufikelela kwiinethi:** Abafaki zicelo bayakunyanzeleka babonise ukuba banazo iinethi ezifanelekileyo nephenyane elikulungeleyo ukusebenza kolushishino.
- (d) **Ukuthobela:** Abafaki zicelo abathe bafunyaniswa benamatyala okophula umthetho we MLRA imithetho yayo, imiqathango yemvume okanye olunye ulwaphulo-mthetho oluhambisana nokuloba, abayi kunikwa malungelo. Abafaki zicelo abaye bahluthelwa amalungelo okanye abekwa emiqathangweni ngokuvisisana ne-Marine Living Resources Act nabo abayi kufumana amalungelo. Ukuba umfaki sicelo ebelilungu le-close corporation okanye i-shareholder (umphathi-sabelo) yenkampani ebinelungelo lokwexeshana, ngoko loo mfaki sicelo akayi kufumana ilungelo ukuba umphathi lungelo lokwexeshana okanye elinye lamalungu, abaphathi, okanye ii-shareholder eziphetheyo ziye zafuniswa zinetyala lokophula umthetho ngokunzulu okanye ilungelo labo lahluthwa okanye labekelwa imiqathango. Okunye ukophula imithetho engephi ye-Marine Living Resources Act kuya kuba nefuthe elibi kwisicelo, njengokuba kuboniswe ngezantsi.
- (e) **Abafaki zicelo abanganyanisekanga:** Abafaki-zicelo abanganyanisekanga njengoko kuchaziweyo kuMgaqo-Nkqubo Jikelele bayakukhutshelwa ngaphandle. Amaqela amakhulu ezicelo ezifana ncam okanye ezifana kakhulu ezixhaswa ngumcebisi okanye inkampani eshishina ngokuloba namanye amaqela baya kukhutshelwa ngaphandle njengabafaki-zicelo abanganyanisekanga kungakhathaliseki ukufanelekeka kwezicelo zabo.
- (f) **Ukungasetyenziswa:** Abanini malungelo abangawasebenzisi rhoqo amalungelo abo ngexesha eliphakathi kuka 2002 ukuya ku 2004 abayi kukhethwa.
- (g) **Ukubandakanyeka kumacandelo amaninzi:** Abafaki sicelo kweli shishini abanakuba nelinye ilungelo lokuloba, enoba kungokugqalileyo okanye ngokungangqalanga njengokuba yi-shareholder (umphathi-sabelo) okanye umpathi kwinkampani okanye ilungu le-close corporation, kuLuhlu A (cluster A) okanye kuLuhlu B (cluster B). Abafaki zicelo abakolu shishino akuvumelekanga ukuba babenelungelo kuLuhlu C no D (cluster C and D), ngaphandle kwe-White Mussel ne -West Coast Rock

- (h) **Ukubandakanyeka buqu ekuvuneni obu butyebi bendalo :** Abafaki-zicelo okanye amanye amalungu bayakunyanzeleka babonise ukuba bakhe bathatha inxaxheba buqu kushishino lokuloba i-beach seine ne gillnet.
- (i) **Ukuxhomekeka kobu butyebi bendalo:** Abafaki zicelo zobunini-malungelo abangasaxhomekekanga kushishino lokuloba ngee beach-seine okanye ngeegillnet ngobuncikane obuyi 75 ye persenti yengeniso yabo abayi kufakwa. obunxulunyaniswa nolu shishino lokuloba, Abo basenokuba ngabafaki-zicelo bazakufuneka babonise imbali yokuxhomekeka ekuphileni kwabo kolu shishino lokuloba ngee beach-seine pkanye ngeegillnet. Abafaki-zicelo abafumana nayiphina enye ingeniso kwezinye iindawo ezingaphandle koshishino lokuloba (ngaphandle kweependshoni nee annuities) abayi kufakwa.
- (j) **Abemi kwingingqi yokuloba :** Abafaki zicelo abangahlali kufuttshane nengingqi yokuloba leyo bafake kuyo izicelo abayi kufakwa. Abafaki-zicelo baya kufuneka babonise ukuba bahleli kufuttshane kule ngingqi iminyaka emine ubuncinane Abanini-malungelo kushishisno lokuloba ngee beach seine okanye ngeegillnet abaphumeleleyo baya kuthinteleka ukusebenza kwiingingqi ezithile ezibekiweyo zokuloba.

8.2 Indlela elinganayo yokuthulekisa

Abafaki zicelo abanamalungelo nabazakuba ngabangeneleli abatsha bazakuhlolwa ngokwale miqathango ilandelayo, eya kuthi iphononongwe ukuze kubonwe amandla esicelo ngasinye.:

(a) Inguqu

Ukuphucula ubume benguqu ngoshishino lokuloba nge-beach-seine ne-gillnet, abafaki-zicelo abamnyama baya kunikwa amanqaku ngokuhle. Isini sisenikusetyenziswa njengesisombululo, apho abafaki-zicelo benamanqaku afanayo, umfaki sicelo obhinqileyo uyakukhethwa ngaphezu koyindoda .

(b) Imisebenzi

Abafaki-zicelo zobunini-malungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi – okwethutyana okanye isigxina – baya kuvuzwa.

(c) Imbali yokubandakanyeka

Igunya elithunyelweyo lifanele lithathele ingqalelo ukuba umfaki-sicelo unexesha elingakanani na ezibandakanye kolu shishino lokuloba nge-beach-seine ne-gillnet.

(d) Intsebenzo ekulobeni

Abafaki- zicelo abangabanini-malungelo baya kuvavanywa ngokubhekiselele kwintsebenzo yabo kwisithuba samalungelo exeshana eliphakathi (kuka 2002 ukuya ku 2004). Abafaki-zicelo abangabangeneli abatsha bayakuvavanywa ngokubhekiselele ekubeni banganakho na, banalo ulwazi kunye nobuchule bokuloba besebenzisa iinethi.

(e) Ukuxhomekeka ekulobeni ngeenethi

Elithunyelweyo liya kukhetha abafaki zicelo abangeniso yabo ixhomekeke kanobom ekuloba minyaka le. Abafaki zicelo abafumana ingeniso ngezinye iindlela ezingekokuloba basenokuphulukana namanqaku. Abafaki zicelo abasalindileyo kuya kufuneka babonise imbali yabo yokuxhomekeka ekulobni ukuze baziphilise.

(f) Ukuthobela:

Ukungathobeli umthetho we MLRA okungabheke ndawo, imiyalelo yawo, kunye nemiqathango yemvume kuyakubangela ukohluthwa kwamanqaku.

9. Uluhlu lwethutyana

Phambi kokuba igosa elithunyelweyo lenze isigqibo ngalowo uza kunikwa imvume liza kukhupha uluhlu lwabaceli mvume kwindawo esisiseko kwenye indawo kwezindawo bayakwazisa igosa elithunyelweyo ukuba kukho umntu ofakiweyo kuluhlu lwabalindileyo ongengomvuni wembaza

10. Ukuphatha nokuphathisana ngoshishino lokuloba ngeenethi

Ushishino lokuloba ngee beach-seine neegillnet luyakulawulwa ngokungqamene nendlela yokuphathwa koshishino lokuloba yonakekelo lwendalo (i "EAF"). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso equka konke eyaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamene nako zinefuthe kubume nemeko jikelele yezolwandle. Umgaqo-nkqubo wolawulo (Operational Management Plan) omtsha wolu shishino wokuloba uzakuqalisa ukusetyenziswa kule minyaka mibini okanye mithathu izayo.

Yinjongo yeSebe ukukhuthaza ukuncedisana ekuphatheni obu butyebi ngokunyanzelisa inkqubo ye TURF (iTerritorial User Rights Fishery).

Ukongezelela iSebe lisenokuthi kamva lamkele usuku oluthile ekungalotywayo ngalo ukuba lilawule ushishino lokuloba. Ukuncitshiswa kwexesha lokuloba lisenokubonwa lilelona lifanelekileyo kunokusuka nje kuncitshiswe inani leenethi ezinokusetyenziswa kwiindawo ezithile.

11. Intlawulo yezicelo

Imali eya kuhlululwa ngezicelo zokuloba ngeminatha erhuqwayo ngama-R200 (amakhulu amabini eerandi). Le mali ayibuyi yaye imele ihlawulwe yonke..

Irhafu yaminyaka le eza kuhlululwa ngo-01 Januawari 2006 ize kuqosheliswa emva kokubonisana nabo banamalungelo. Ezi rhafu ziza kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokulawula, ukuvisisanisa nokwenza uphando.

12. Ukusetyenziswa kwezithuthi kwingingqi yonxweme

Abanini-malungelo abaninzi be beach-seine bacele invume yokusebenzisa izithuthi kwingingqi yonxweme kulandela ukungavunyelwa kokusetyenziswa kwezithuthi emalwandle okungalawulwayo ngo 2002. Ngo 2004, uMphathiswa weSebe lezeNdalo noKhenketho wayitshintshela imigaqo elawula ukusetyenziswa kwezithuthi kwingingqi yonxweme (bona ku www.mcm-deat.gov.za i-Regulations and Implementation Guideline).

Abalobi be-beach seine kufuneka bafake izicelo zokusebenzisa isithuthi kwingingqi yonxweme kuSekela Mlawuli Jikelele we Marine and Coastal Management ukuba isithuthi sifunelwa ukuloba

lifomu zezicelo zokusetyenziswa kwezithuthi elunxwemeni zizakunikezelwa kunye neefomu zokucela ukunikwa amalungelo kushishino lokuloba ngebeach-seine neegillnet. Ezi fomu zokucela ukusebenzisa isithuthi zikwafumaneka e www.mcm-deat.gov.za.

13. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iza kugqitywa emva kokubonisana nabo banamalungelo kweli shishini lokuloba yaye iya kumana ihlolwa ngamaxesha athile, xa kuyimfuneko.



**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO KA-2005 WOKUNIKA NOKWENGAMELA IZIMVUME ZOKUDOBELA
INZUZO IZINHLANZI NGENDLELA YAMA-BEACH-SEINE (TREKNET) KANYE
NEYAMA-GILLNET (DRIFT-NET, SET-NET)**

**LO NGUBOMGOMO KUMELWE UFUNDWE NENQUBOMGOMO EQONDISWE
KUBO BONKE YOKWABIWA NOKUPHATHWA KWAMALUNGELO OKUDOBA
ESIKHATHI ESIDE: 2005 (etholakala engosini ethi-[www.mcm-de l.gov.za](http://www.mcm-de.l.gov.za))**

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1. Isethulo

Lo mgomo wokunikezwa nokuphathwa kwezimvume zokudobela inzuzo ngokohlelo lwe-beach-seine (treknet) kanye nolwe-gillnet (drift-net, set-net) ukhishwe uNgqongqoshe woMnyango weZemvelo neZokuvakasha ("uNgqongqoshe"). Lezi zindawo zokudoba kuzobhekiselwa kuzo zonke ngokuthi yizindawo zokudoba ama-beach-seine namagillnet. Lo mgomo kumelwe ufundwe ngokuhlanganyela neNqubomgomo Eqondiswe Kubo Bonke Yokwabiwa Nokuphathwa Kwamalungelo Okuthatha Isikhathi Eside: -2005 (obizwa nge-"the General Fisheries Policy"). Kukhona umgomo okhishelwe ukudoba ngohlelo lwe-beach-seine embonini yokudoba yaKwaZulu-Natali.

Inhloso yalo mgomo ukubeka nokusobala uhlelo okuzoqhutshwa ngalo uma kunikwa izimvume zesikhathi eside zokudobela inzuzo ngokohlelo lwe-beach-seine kanye nolwe-gillnet. Iningi lalezi zinhlelo azizintsha. Bezisetshenziswa uMnyango Wezemvelo Nezokuvakasha: Branch Marine and Coastal Management ("uMnyango") lapho waba amalungelo esikhathini esidlule nangezinga le nqubo mgomo ehlele ngayo lezo zinto okumelwe zicatshangelwe.

Eminye imigomo yokuphatha ngemuva kokunikwa izimvume yethuliwe kule nqubomgomo. Ibhuku eliphathelene nokuphathwa kohlelo lwe-beach-seine kanye nolwe-gillnet liyoqedelwa ngokuhlanganyela nabanezimvume ngonyaka ka-2006. Ieli bhuku liyobeka ngokusobala indlela yokuphatha kanye nenqubo yokudoba.

uNgqongqoshe uhlose ukunikezela ngamandla kasomqulu 18 wokunika imvume yokudobela inzuzo ngokohlelo lwe-beach-seine kanye nolwe-gillnet oqukethwe esigabeni 79 soMthetho 18 wezinto eziphila olwandle ka-1998 (the Marine Living Resources Act 18 ka-1998 obizwa nge-"the MLRA" esikhulwini soMnyango. Le ncwadi equkethe le nqubomgomo izoqondisa isikhulu esiphathisiwe ekuthatheni lezo zinqumo ngezicelo ezenziwa endaweni yokudoba.

2. Uhlaka Lwesimo Esinongokwemvelo Sokukhiqizwa Kwezinhlanzi

Imboni yokudoba yohlobo lwebeach-seine kanye ne-gillnet iyona endala kunazo zonke ezimbonini zokudobela inzuzo eNingizimu Afrika, yasungulwa ekuqaleni kweminyaka yo-1700 ukuya kwiminyaka yo-1800. Ngaphandle kobuncane bezikhala zamanethi okudoba kanye nezindawo ezazakhelwe ukungqubuzana phakathi kwabadoba nge-beach-seine nabadoba nge-gillnet kwakungekho kulawuleka kwalemboni kwaze kwafika ekuqaleni kweminyaka yo-1970. Ukusukela ngaleso sikhathi zombili izimboni zivunyelwe kuphela

ukubamba izinhlanzi zohlobo lwama-*harders* (*Liza Richardsoni*) kanye nama-*St Joseph sharks* (*Callorhynchus capensis*), bavunyelwe ukubamba ngephutha inani ekungedlulwe kulo lezinhlazi zohlobo lwe-linefish. Kodwa ke endaweni yase-False Bay abanini zimvume bavumelekile ukuba badobe uhlobo oluthize lwezinhlanzi ze-linefish.

3. Uhlobo Lwendawo Okudotshwa Kuyo (Sector Profile)

Imboni yokudoba ngohlobo lwe-gillnet ivunyelwe ukudoba kuphela masenyakatho ne-Yzerfontein kanti imboni yokudoba ngohlobo lwe-beach-seine yona ivunyelwe eNtshonalanga ye-Gordon's Bay. Ukudoba esizalweni somfula (ngokuthi yi-Olifants Estuary) kuyopheliswa esikhathini isiyiminyaka engu-5 kuya kwengu-10 kusukela manje.

Njenganengxenye yendlela yokuphatha, ugu kanye nohlelo lwe-TAE luhlukaniswe lwaba yizindawo zohlobo lwe-beach-seine kanye nohlelo lwe-gillnet, kuvunyelwe kuphela abadobi abafake izingubo ezifanele nabadoba ngamanethi, abangadobi ezindaweni zogu ezivikelwe. Ngokomongo, kumiselwa uhlelo lokudoba ngohlobo lwe-beach-seine kanye ne-gillnet, ngaphansi kohlelo lwe-TAE (inani lamanethi angasetshenziswa ezindaweni ezisogwini oluseNtshonalanga noluseNingizimu Mpumalanga), njalo ngonyaka nguNgqongqoshe.

Ngaphambi kokunikezwa kwezimvume zesikhathi esimaphakathi nendawo zonyaka ka-2001, imboni yokudoba yadoba izinhlanzi ezingamathani athi awabe yi-6 000 ngonyaka. Kulelo nani, amathani ayi-1 400 abikwa abalulwa ngokuphoqelele inani lezinhlazi ezibanjiwe ngenyanga.

Ucwaningo lwangaphezulu kwama-50 ekhulwini lwabanini zimvume, lwadalula ukuthi bangaphansi kweshumi ekhulwini abadobi abazithatha ngokuthi badoba ngokohlobo lwe-beach-seine kanye ne-gillnet. Ngakolunye uhlangothi bayisishiyagalombili ekhulwini abadobi bangempela, abadoba ngamanethi ngokugcwele abathola ngaphezulu kwamashumi amahlanu ekhulwini bamaholo abo kule mboni yokudoba. Ezindaweni eziningi abanikazi zimvume balahlekelwa imali ephakathi kwama-R1 900 kanye nezi-R5 500 ngonyaka, ingabalwa imboni yokudoba ngohlobo lwe-gillnet yase-Saldanha-Langebaan, lapho abadobi ababalelwa kumashumi amahlanu ekhulwini babedoba ngamanethi ngokugcwele. Kanti kwimboni yokudoba ngohlobo lwe-beach-seine yase-False Bay bayisilinganiso sama-70 ekhulwini abadobi abadoba ngamanethi ngokugcwele.

Uhlobo lwezinhlanzi okugxilwe kuzona, i-*harder*, njengamanje isidotshwe ngokweqile. Kunokungahambisani phakathi kwenani lezinhlazi ezidotshwayo kanye nalezo ezikhona. Izimakethe zangaphandle zezinhlanzi zohlobo lwe-*St Joseph shark* zehlile, kodwa izimakethe zakuleli ziyethembisa. Kukhona inani elikhulu lokudobeka kwezinhlanzi okungagxiliwe kuzona kubandakanya kakhulukazi lezo ezidobeke ngokweqile kanye

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nalezo ezingadotshwa ngokwesiliniselo esilindelekile. Ngenxa yalokho, ukuphathwa kwemboni yokudoba ngamanethi kungeke kwehlukaniswe nokuphathwa kwemboni yokudoba ngodobo okungokwendabuko.

Kukhona ukudoba ngokohlelo lwe-gillnet ngokungemthetho okweqile okuqondiswe kwizinhlanzi eziligugu kulo lonke elaseNtshonalanga, eNingizimu kanye neMpumalanga nogu. Ukudotshwa ngokungemthetho kusetshenziswa uhlobo lwe-gillnet ogwini oluseNtshonalanga kuqondiswe kwizinhlanzi zohlobo lwe-galjoen (*Dichistius capensis*) kanye nohlobo lwe-smooth-hound shark (*Mustelus mustelus*) olwandle kanye nohlobo lwama-harders, ama-springer / flathead mullet (*Mugil cephalus*) kanye new-elf (*Pomatomus saltatrix*) esizalweni somfula. Ukudotshwa kwezinhlanzi ngokungemthetho kusetshenziswa uhlelo lwe-gillnet kugu oluseNingizimu noluseMpumalanga lwenzeka ikakhulukazi esizalweni semifula lube luqondiswe kulolu hlobo lwezinhlanzi, ama-dusky kop (*Argyrosomus japonicus*), ama-spotted grunter (*Pomadasys commersonii*) kanye nezinhlobo nhlobo zezinhlanzi zohlobo lwe-mullet.

4. Ukunikwa kwezimvume zokudoba zesikhathi esimaphakathi

Ngaphambi kokubuyekwezwa kohlelo lwe-TAE kanye nokunikwa kwezimvume ngonyaka ka-2001, le mboni yokudoba yayigcwele kakhulu, yayi nabadobi ngamanethi adonswa imikhumbi ayi-147 (beach-seine) kanye nokudoba ngamanethi abamba izinhlanzi ngezitho zokuphefumula (gillnet) ezingu-293 phakathi kwendawo yase-Port Nolloth oGwini oluseNyakatho kanye nase-Nature's Valley oGwini oluseNingizimu. Kwakukhona ezinye izimvume eziyi-120 kanye neziyi-100 zohlobo lwe-gillnet kubanini zimvume ezizalweni zemifula zase-Olifants nase Berg River ngazinye. Kwadingeka ukuba kube khona imizamo eyenziwayo ukuze kwehliswe inani lokudoba ukuze kukhule inani lezinhlanzi ezidotshwayo, nokuthi kube khona izindlela ezihambisana nokugcina lezi zinhlanzi zingashabalali ukwenzela abaphila ngokudoba. Uhlelo lwe-TAE lwamisa ngendlela kwizikhungo eziyi-58 ngendlela ye-beach-seine kanye nezimvume zokudoba ngama-gillnet eziyi-162. Ngonyaka ka 2001 izimvume zokudoba zesikhathi esimaphakathi zanikwa abafaki zicelo abayi-12 abadoba nga-beach-seine kanye neziyi-55 zokudoba ngama-gillnets. Esinye isibalo sabantu abangama-58 abadoba ngamanethi banikwa izimvume zokudoba.

5. Izinhlosongqangi zemboni yokudoba

Izinhloso zomnyango zokunika izimvume zesikhathi eside zokudoba ngama-beach-seine kanye nama-gillnet kule mboni yilezi:

- Ukuthuthukisa izinga lezinguquko ekubukekeni kwale mboni;

- Ukunika izimvume kubadobi abanomlando wokusebenzisa ama-beach-seine kanye nama-gillnet ogwini oluseNtshonalanga kanye noluseNingizimu-Mpumalanga;
- Ukuthuthukiswa ukuphathwa kwezinhlobo zezinhlanzi eziyinhloko ezidotshwa ngabanikazi bamalungelo bamama-beach-seine kanye nama-gillnet, ezifana nohlobo lwezinhlanzi ezibizwa ngokuthi ngama-*harder* kanye nama-*St Joseph sharks*, ngendlela ezoqinisekisa ukuthi ziyakwazi ukwanda esibalweni samanje sokudotshwa kakhulu;
- Ukuxhasa nokugcina imboni yokudoba iphilile ngakokwezimali, kanye
- Ukusiza ukuba umnotho nemboni yokudoba kugcineke kuphilile nemvelo ingashabalali.

6. Isikhathi esithathwa yizimvume

Ngokubheka lezi zinhloso ezingenhla, izimvume zokudoba zizonikezwa inkathi engaba yiminyaka eyi-10 (kusukela mhla ka-1 ku-Januwari 2006 kuya kumhla ka 31 kuDisemba 2015). Lo Mnyango uzoqhubeka uhlaziyoa abanikazi bamalungelo ngokuphathelene nemibandela yokusebenza kwabo enqunye kusengaphambili.

7. Abafikayo embonini yokudoba

Nakuba imboni yokudoba ngama-beach-seine kanye nama-seine-net inabadobi abaningi ngokweqile okwamanje, bengaphezulu kunamanethi akhona abadobi, isibalo esikhulu sabadobi abangadobi ngokwezinga okuvunyelwene ngalo bangase bathathelwe indawo ngabadobi abangokwendabuko abadoba ngosinga ababengazange bazithole izimvume zesikhathi esijana.

8. Inqubo yokuhlunga

Izicelo zemvume yokudobela inzuzo ziyobukwa ngeso elibukhali ngokuhambisana "nenqubo yokungamukeleki kwabathile", bese kamva izicelo ziyohlaziywa ngokwemibandela "yenqubo yokuhlunga ngokuqhathanisa". Kuyobekwa amaphuzu okuyiwona ayohlona labo abazicelo zabo ziphumelele ukuze kukhethwe abenzi bezicelo abaphumelele.

8.1 Inqubo yokungamukeleki kwabathile

Ngaphandle kwezinqubo ezichazwe kuyiNgubomgomo Eqondiswe Kubo Bonke ephathelene nokufakwa kwezicelo kanye nokungabi sesimweni esigculisayo semikhumbi namanethi okudoba, isikhulu esiphathisiwe ngeke sizamukele izicelo ezihluleka ukuhlangabezana nalezi zidingo:

(a) **Abavumeleke ukufaka izicelo:** Amalungelo ayokwabiwa kuphela kwabafaka izicelo zemvume ngabodwana abayobhekelelwa. Abanini zimvume abake basebenza ngokuhlanganyela (isibonelo abaku hlelo lwe-close corporation izimbumba kanye nezinkampani ezisebenzisanayo) kuyodingeka bafake izicelo ngabanye, kodwa bangase bathathwe "njengabanini zimvume" kwenzelwa uhlelo lokunika izimvume.

Umdeni omkhulu (sekuhlangene nabashadile, abazali kanye nezingane zabo) ngeke banikezwe ngaphezu kwemvume eyodwa ukuze kugwenywe ukuthathwa ukusitha ngesithupha kweqoqobana labantu abathile. Lokhu kwenzelwa nokuthi babe baningi abantu abakwazi ukungena kule mboni. Abafake izicelo bangadingeka ukuthi badalule ubudlelwane abanabo ezindaweni zokudoba itreknet negillnet kanye nakwezinye izimboni ezidobela inzuzo. Uma engaphezu koyedwa emndenini ngamunye ofake isicelo , zonke izicelo zalowo mndeni zingabekwa eceleni, ngaphandle uma abafaki izicelo bekhombisa ngokungangabazisi ukuthi banezinkampani zabo ezincane zokudobela inzuzo.

(b) **Abadobi abadoba ngama-beach-seine nama-gillnet abangokwendabuko:** Izimvume kufanele zinikezwe kuphela labo abadoba ngamanethi ngokwemvelo. Umdobi ongokwendabuko odoba ngamanethi ngumuntu odoba ukuze aziphilise osekwenze lokho okungenani iminyaka elishumi edlule.

(c) **Ukufinyeleleka kwamanethi:** Abafaki zicelo kuyodingeka bakhombise ukuthi bayakwazi ukuthola amanethi akahle nezikebhe zokudoba ezidingekayo ukusebenza kule mboni yokudoba.

(c) **Ukuthobela:** Abafaki zicelo ababekwe amacala okwephula imithetho ye-MLRA, ukungahambisani nemibandela yezimvume noma abanamanye amacala amabi ezindaweni zokudoba ngeke banikezwe amalungelo okudoba. Abenzi bezicelo abaye baphucwa amalungelo noma benqatshelwa ngokwemibandela yeMarine Living Resources Act ngeke nabo banikezwe ilungelo. Uma umenzi wesicelo ayeyilungu le-close corporation noma umnikazi wamasheya enkampani eyayinelungelo lesikhathi esijana, lowo menzi wesicelo ngeke alinikwe ilungelo uma umnikazi welungelo lesikhathi esijana noma omunye wamalungu abo, umqondisi, noma ophethe amasheya abekwa icala elibi lokwephula umthetho noma ilungelo lakhe lasulwa noma walephucwa. Eminye imithetho evimbelayo ye-Marine Living Resource Act izoba nomthelela ongemuhle kubenzi bezicelo abangayihloniphi njengoba kuboniswe ngezansi.

(d) **Abafaki bezicelo abanamanga:** Abafaki bezicelo abanamanga bayokhushelwa ngaphandle (njengoba kuchaziwe kuMgomo-jikelele). Amaqembu amakhulu abenzi bezicelo abafanayo noma

abafana kakhulu abaxhaswe ngumxhumanisi noma izinkampani ezidobela ukuthengisa nezinye izinhlangano ngeke bacatshangelwe futhi bayobhekwe njengabacashe ngesithupha kungakhathaliseki ukuthi labo benzi bezicelo babonakala befaneleka kangakanani..

- (e) **Ukungasetshenziswa kwezimvume:** Abanini zimvume abangazange bazisebenzise izimvume zabo esikhathini esiningi ngesikhathi esimaphakathi nendawo semvume, (kusukela ngonyaka ka-2002 kuya ku-2004) bayoshiywa ngaphandle kulolu hlelo.
- (f) **Ukubandakanyeka kwezimboni ezahlukene:** Abafaki bezicelo kule ndawo yokudoba bangase bangabi nalo ilungelo lokudoba, ngokuqondile noma ngokungaqondile, njengabanikazi bamasheya noma abaqondisi benkampani noma ilungu le-close corporation, ku-Cluster A noma ku-Cluster B. Abanikazi bamalungelo kule ndawo yokudoba bangase futhi bangabi nawo amanye amalungelo okudoba ku-Cluster C noma kwezinye izindawo zokudoba ku-Cluster D, ngaphandle kokudoba ama-white mussels kanye ne-west coast rock lobster.
- (g) **Ukuzibandakanya komuntu ngamunye ekudobeni izinhlanzi:** Abafaki zicelo kuzodingeka babonise ukuthi bazoba abahilelekile kulo msebenzi bona siqu ekudobeni i-beach-seine noma i-gillnet
- (h) **Abahlala ezindaweni eziseduze nalapho bedoba khona:** Abafaki zicelo abangahlali eduze kwalapho befaka izicelo zemvume yokudoba khona, kufanele bashiye ngaphandle. Abafaka izicelo kuyodingeka ukuthi bakhombise ukuthi sebhale eduze kwalapho bedoba khona okungenani iminyaka emine. Abazicelo zabo ziphumelele bayovunyelwa ukuba badobe kuphela ezindaweni lezo izimvume zabo ezibakhomba kuzona.

8.2 *Inqubo yokulinganisa ngokuqhathanisa*

Abafaka izicelo zezimvume kanye nalabo abasethubeni lokuba abasha abaqalayo kule mboni bayohlungwa ngaphansi kwenqubo yokulinganisa elandelayo ngokubhekelela isisindo sesicelo ngasinye:

(a) **Uguquko**

Ukuze kwenziwe ngcono uhlaka loguquko kwale mboni yokudoba i-beach-seine kanye ne-gillnet, abenzi bezicelo abampisholo bazothola amaphuzu ngokucatshangelwa. Ubulili nabo bungase busetshenziswe njengesici esinqumayo, okungukuthi lapho kutholakala khona ukuthi bangaphezu koyedwa abenzi bezicelo abathole amaphuzu alinganayo, umenzi wesicelo wesifazane nguyena oyothola ilungelo kunowesilisa..

(b) Imisebenzi

Abafaki zicelo zemvume abangakhombisa ukuthi baqashe abadobi okwesikhashana noma ngokugcwele ngokwesikhathi esimaphakathi nendawo, bayohlomula.

(c) Umlando wokuzibandakanya

Isikhulu esiphathisiwe siyocabangela isikhathi esesidlulile nokuthi umenzi wesicelo uye wahileleka kangananani ekudotshweni kwe -beach-seine kanye ne-gillnet.

(d) Ukudoba kahle

Abafaka izicelo zemvume bayovivinywa ngokubhekela indlela abadobe ngayo ngesikhathi semvume emaphakathi nendawo (kusukela ngonyaka ka-2002 kuya ku-2004).

Abafaki zicelo zemvume abaqalayo bona bayovivinywa ngokubhekela amakhono kanye nolwazi lokudoba kusetshenziswa amanethi.

(e) Ukuzondla Ngokudoba Ngenetha

Isikhulu esiphathisiwe soMnyango siyokhetha abafaki bezicelo abazondla futhi abathola iholo labo lonyaka ngokudoba ngenetha. Abafaki zicelo noma amalungu abo abathola noma iyiphi imali kweminye imithombo ngaphandle kwemboni yokudoba bangase bajeziswe. Abasanda kufaka izicelo abathembisayo kuyodingeka babonise ngomlando wabo owedlule ekudobeni ngenetha ukuze baziphilise

(f) Ukuvumelana nomthetho

Ukwephula kwemithetho ye-MLRA okungekubi kangako, kuhlangukise neziqondiso nemibandela yezimvume kuyokwenza ukuba abantu baphulukane namaphuzu.

9. Uhlu lwesikhashana

Ngaphambi kokuba isikhulu esiphethe senze isinqumo esingumunqamulajuqu sokuthi ngobani abazonikwa izimvume zokudoba itreknet negillnet, angase akhiphe uhlu lwesikhashana ngendawo ngayinye ukuze kusikwe elijikayo.

10. Ukuphatha kanye nokuphatha ngokuhlanganyelwa

Imboni yokudoba ngohlobo lwe-beach-seine ne-gillnet luyophathwa ngokuhlanganyelwa nohlelo lokuphilisana kwezitshalo kanye nezilwane eziphila olwandle "ecosystem approach to fisheries ("EAF)". Lolu hlelo lubhekele zonke izinhlangoni lubuye futhi luhlanganise imigomo eyasiza ukuthi ukudoba kanye nezinye izinhlobo zemisebenzi eyenziwa ngaphandle kolwandle kunomthelela ngokubanzi kulokho okwenzeka olwandle.

Isu elisha elaziwa ngokuthi yi-" Operational Management Plan" leboni yokudoba lizoqala ukusetshenziswa eminyakeni emibili kuya kwemithathu ezayo. Kuyinhloso yoMnyango ukuthi ukhuphule izinga lokuphatha ngokuhlanganyela imboni yokudoba ngokuphoqelela uhlelo lwe-TURF (Territorial User Rights Fishery). Ngaphezu kwalokho, uMnyango ungase esikhathini esizayo wamukele imigaqo evimbelayo yokudoba ngosinga ukuze kulawulwe indawo yokudoba ngosinga. Ukuncishiswa kwesikhathi sokudoba nakho kungase kucatshangelwe njengokufanelekile kunokuba kuncishiswe isibalo samanetha angase asetshenziswe ezindaweni ezithile.

11. Imali yokufaka izicelo zemvume yokudoba

Imali ezokhokhelwa izicelo zokudoba ngenetha ngu-R200 (amakhulu amabili amarandi). Le mali ayibuyiswa futhi kumelwe ikhokhwe yonke.

Izimali (izintela) ezikhokhwa minyaka yonke kusukela ngomhla ka-1 January 2006 ziyonqunywa ngemva kokuthintana nabanikazi bamalungelo. Izintela eziyokhokhwa zingase zisetshenziswe nguMnyango ukunakekela izindleko zokuphatha zaminyakaa yonke, ukwenza ngokuvumelana nomthetho nocwaningo.

12. Izingqola ezisetshenziselwa ukudoba ezindaweni ezigudle ugu

Abanikazi bamalungelo abaningi abadoba i-beach-seine bafaka izicelo zemvume yokusebenzisa izingqola zokudoba ezindaweni ezigudle ugu ngenxa kokunqatshelwa kwezingqola zokudoba ezingagunyaziwe emabhishi ngonyaka ka-2002. Ngonyaka ka-2004, UNgqongqoshe weZemvelo neZokuvakasha walungisa umthetho olawula ukusetshenziswa kwezingqola zokudoba ezindaweni ezigudle ugu, (bheka- www.mcm-deat.gov.za ukuze uthole ukuqala ukusebenza kanye nemithetho yalo mgomo).

Abadoba ngokohlelo lwe-beach-seine mabafake izicelo zabo baziqondise ku-Deputy Director-General of Marine and Coastal Management ukuze bathole imvume yokusebenzisa izinqola zokudoba ezindaweni ezigudle ugu uma zidingekela ukudoba.

Amafomu okufaka izicelo zokusebenzisa izinqola zokudoba ezindaweni ezigudle ugu ayotholakala kanye namafomu okucela izimvume zokudobela inzuzo embonini yokudoba ngokohlelo lwe-beach-seine ne-gillnet. Amafomu ezicelo zokusebenzisa izinqola ayatholakala futhi nakwi-www.mcm-deat.gov.za.

13. Izimo zezimvume

Izimo zezimvume kule mboni yokudoba zizokhishwa minyaka yonke. Imibandela yezimvume iyonqunywa ngemva kokuthintana nabanikazi bamalungelo kulezi ndawo zokudoba futhi ingase ibukezwe futhi lapho kudingekile.



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH MARINE AND COASTAL MANAGEMENT

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL FISHING
RIGHTS IN THE WHITE MUSSEL FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE ALLOCATION
AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING RIGHTS: 2005 (available
at www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the white mussel commercial sector is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General Policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of commercial white mussel sector rights. Many of these considerations are not new. They have been applied by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents these considerations.

Certain post-rights allocation management policies are also presented in this policy. A White Mussel Sector Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial white mussel sector rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to an official of the Department. This policy document will guide the delegated authority in taking decisions on applications in this sector.

2. Biology and resource dynamics

White mussels (*Donax serra*) occur between northern Namibia and the Wild Coast. They are present in high numbers on the sandy beaches of the west and south coasts of South Africa. The zonal distribution of the mussel changes with the tidal cycle. On the west coast, juveniles are found high up on the beach, whereas adults are distributed around and below the mean spring low tide mark. On the east and south coasts, adults are found in the mid-tide region.

White mussels are dominant burrowers on sandy beaches, favouring temperate shores. They are bivalve molluscs that filter-feed and grow to a shell length of 60 millimetres in about five years. The mussels migrate up and down the beach in response to tidal cycles, with juveniles migrating more frequently than the adults.

Commercial exploitation is limited to the west coast where white mussels are particularly abundant owing to the nutrient rich Benguela Current that washes these shores.

3. Sector profile

The commercial harvesting of white mussels is limited to seven areas along the west coast. The sector started in the late 1960s but in 1966 it was negatively affected by a red tide that caused massive mortalities of white mussels. The recovery of the population took more than 10 years and led to a dramatic reduction in the catch per unit effort ("CPUE").

The total number of white mussels harvested per year has declined steadily since the 1980s. This has largely been as a result of the sector's lack of economic viability. Surveys conducted in 1988 and 1989 showed that the annual landings amounted to less than one percent of the standing biomass in the relevant areas. Preliminary results from surveys undertaken in 2003 and 2004 support these findings. The resource is therefore considered to be under-exploited.

Currently, commercial right-holders are permitted to collect 2 000 white mussels per month. White mussels are harvested as bait and not for human consumption. A market for human consumption needs to be investigated.

The white mussel sector is catch- and effort-controlled. A Total Applied Effort ("TAE") of seven right-holders, with bag limits of 2 000 mussels per month and a minimum legal size of 35 millimetres, is enforced. The right-holders either own retail outlets or sell their catch to retail outlets where white mussels are sold at a price of between R1.00 and R1.50 each.

4. The medium-term rights allocation process

Currently, there are seven commercial right-holders located in seven areas along the west coast. Each right-holder is permitted to harvest 2 000 mussels per month. Each right-holder employs between six and eight harvesters who are paid between R0.15 and R0.80 per mussel, depending on the number of mussels harvested.

5. Over-arching sectoral objectives

The over-arching objectives of allocating commercial fishing rights in the white mussel fishery are to:

- Notably improve the transformation profile of the fishery;

- Allocate white mussel rights to those individuals who depend on white mussel harvesting for their livelihood;
- Ensure that rights are allocated in all the areas where white mussels can be harvested;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Commercial harvesting rights for white mussels will be allocated for a period not exceeding two years. Long-term rights will only be considered once there is sufficient information on the status of the resource and greater clarity about the marketability of white mussels for human consumption.

7. New entrants

The resource is not optimally exploited in a number of areas. The Department requires these areas to be exploited in order to gain valuable information about white mussels in those areas. In addition, the sector is untransformed.

The delegated authority should endeavour to allocate rights to new entrants in the areas where a TAE was set, but no commercial white mussel rights were allocated in the medium-term rights allocation. Furthermore, the delegated authority should allocate rights to new entrants in order to improve the transformation profile of the sector.

8. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter evaluated in terms of a set of weighted "*balancing criteria*". A cut-off score or rank will then be determined in order to select the successful applicants.

8.1 Exclusionary criteria

Apart from the criteria described in the General Policy pertaining to the lodgement of applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Rights will only be allocated to natural persons (i.e. individuals) who are mussel harvesters or who employ mussel harvesters. The delegated authority should not allocate rights to mussel harvesters who are listed in the applications of employers.
- (b) **Applications from families:** In general, only one right will be allocated per household. Where more than one application is received from family members who live at the same address, then all the applications may be excluded. More than one right may be allocated per family if applicants clearly and convincingly demonstrate that they have established separate small commercial operations.
- (c) **Compliance:** Applicants that have been convicted of a serious transgression of the MLRA the regulations, permit conditions or other serious fishery related offences, will not be allocated a right. Applicants that have had a right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a right. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, then the applicant will not be granted a right if the medium term right holder or one of its members, directors or controlling shareholders was convicted of a serious transgression or had a right cancelled or revoked. Other breaches of the Marine Living Resources Act will adversely affect applications, as set out below.
- (d) **Paper quotas:** Paper quotas as defined in the General policy will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities will be excluded as fronts (paper quotas) regardless of the merits of individual applications.
- (e) **Non-utilisation:** Those right-holders that have failed to utilise their medium-term commercial white mussel right between 2002 and 2004 will not be re-allocated a right.
- (f) **Personal involvement:** Applicants will be required to demonstrate that they will be personally involved in the harvesting of mussels.
- (g) **Multi-sector involvement:** Applicants in this fishery may not hold any other commercial fishing right, whether directly or indirectly as a shareholder or director of a company or member of a close corporation, in the Cluster A or Cluster B fisheries. Applicants in this

fishery may also not hold rights in other Cluster C and D fisheries, except in traditional line fish and the west coast rock lobster fishery.

8.2 Balancing criteria

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria which will be weighted to assess the strength of each application:

(a) Transformation

In order to improve the transformation profile of the white mussel fishery, black applicants should be positively scored. Gender may be applied as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.

(b) Investment in the fishery

The delegated authority should consider what investments, if any, applicants have made in the sector.

(c) Harvesting performance

Right-holder applicants should be assessed by having regard to their performance in the white mussel sector over the medium-term period (2002 to 2004).

New entrant applicants should be assessed by having regard to their ability, knowledge and skills to harvest white mussels.

(d) Reliance on white mussels

The delegated authority should prefer applicants who rely on mussel harvesting for a notable proportion of their gross annual income. Applicants who derive income from sources outside of the fishing industry may be negatively scored. Potential new entrants should be required to demonstrate their historical dependency on the white mussel sector for part of their livelihood.

(e) Local economic development

The delegated authority should prefer those applicants who live near the area where the white mussels are harvested. In this regard, the delegated authority should require the applicant to have lived in that area for a minimum period of four years.

(f) Compliance

Less than serious infringements of the MLRA, including its regulations, by the applicant, will be negatively scored.

9. Application fees

The fee payable on application for a white mussel right is R100 (one hundred rand). This fee is non-refundable and must be paid in full.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

10. Provisional lists

Before the delegated authority makes a final decision on the allocation of mussel rights, he or she may issue a provisional list of applicants for each area for comment.

11. Permit Conditions

Permit conditions for this sector will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.



DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

TAK MARIENE EN KUSBESTUUR

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE WITMOSEL-VISSERY: 2005**

**HIERDIE BELEID MOET SAAM GELEES WORD MET DIE
ALGEMENE BELEID VIR DIE TOEKENNING EN BESTUUR VAN
LANGTERMYN KOMMERSIËLE VISVANGREGTE: 2005**

(beskikbaar by www.mcm-deat.gov.za)

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1. Inleiding

Hierdie beleid oor die toekenning en bestuur van kommersiële oesregte in die witmossel visserij, word uitgereik deur die Minister van Omgewingsake en Toerisme ("Die Minister"). Hierdie beleid moet saamgelees word met die Algemene Beleid vir die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Beleid").

Die doel van hierdie beleid is om die oorwegings van toepassing op die toekenning van kommersiële witmossel oesregte uiteen te sit. Baie van hierdie oorwegings is nie nuut nie. Hulle is in die verlede toegepas by die toekenning van regte deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("Die Departement") en tot 'n mate beliggaam hierdie beleid sodanige oorwegings.

Sekere voorgenome bestuursbeleidsrigtings vir die periode na die toekenning van regte verskyn ook in hierdie beleid. 'n Bestuurshandleiding vir die Witmossel Sektor sal met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handboek sal in fyn besonderhede die toepaslike bestuursmetodes en -prosedures vir die visserij uitstippel.

Die Minister van is voornemens om artikel 18 bevoegdheid, om kommersiële witmossel sektor regte toe te ken, ingevolge artikel 79 van die Wet of Lewende Mariene Hulpbronne 18 van 1998 ("die WLMH"), aan 'n beampte van die Departement te deleger. Hierdie beleid sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie sektor.

2. Biologie en brondinamika

Witmossels (*Donax serra*) kom voor tussen noordelike Namibië tot by die Wildekus. Hulle is in groot getalle teenwoordig op die sanderige strande van die wes- en suidkus van Suid-Afrika. Die sonale verspreiding van die mossels wissel met die veranderings van die gety-siklus. Aan die weskus word die jonger witmossels hoog op teen die strand gevind, terwyl die volwassenes versprei is rondom en onder die gemiddelde lae springgetymerk. Aan die oos- en suidkus word volwassenes in die midgetysone gevind.

Witmossels is dominante grawers op sanderige strande en verkies gematigde kusgebiede. Hulle is tweekleppige weekdiere wat deur filtrering voedsel inneem en groei tot 'n doplengte van 60

millimeter in ongeveer vyf jaar. Die mossels migreer langs die strande op en af in reaksie op gety-siklusse, met jonges wat meer gereeld migreer as die volwassenes.

Kommersiële ontginning word tot die weskus beperk waar witmossels besonder talryk is, vanweë die voedselryke Benguela-stroom wat spoel teen hierdie kuslyn.

3. Sektorale profiel

Die kommersiële oes van witmossels word beperk tot sewe gebiede langs die weskus. Hierdie sektor het in die laat 1960s 'n aanvang geneem, maar in 1966 is dit negatief beïnvloed deur 'n rooigety wat 'n massiewe getal vrektes van witmossels veroorsaak het. Die herstel van die bevolking het langer as 10 jaar geduur en het gely tot 'n dramatiese afname in die vangs per eenheid poging ("VPEP"). Die totale aantal witmossels wat jaarliks geoes word, het sedert die 1980s geleidelik afgeneem. Dit was hoofsaaklik as gevolg van die sektor se gebrek aan ekonomiese lewensvatbaarheid. Studies gedoen in 1988 en 1989 dui daarop dat die jaarlikse getal witmossels wat uitgehaal word, minder as een persent van die bestaande biomassa in die relevante gebiede beloop het. Voorlopige resultate van opnames onderneem in 2003 en 2004, ondersteun hierdie bevindings. Die bron word derhalwe geag onder-ontgin te wees.

Tans word kommersiële regtehouers toegelaat om 2 000 witmossels per maand in te samel. Witmossels word geoes vir aas en nie vir menslike verbruik nie. Daar moet ondersoek ingestel word na 'n mark vir menslike verbruik.

Die witmossel sektor word beheer deur middel van vangs- en vangspogingkontrole. 'n Totale Ontplooide Vangspoging ("TOV") van sewe regtehouers met sakperke van 2 000 mossels per maand en 'n minimum wettige grootte van 35 millimeter word afgedwing. Die regtehouers is of eienaars van kleinhandel-afsetplekke, of verkoop hulle voorraad aan kleinhandel-afsetplekke waar witmossels 'n prys van tussen R1.00 en R1.50 elk behaal.

4. Die proses van medium-termyn regtetoekenning

Tans is daar sewe kommersiële regtehouers gebaseer in sewe gebiede langs die weskus. Elke regtehouer word toegelaat om 2 000 mossels per maand te oes. Elke regtehouer het tussen ses

en agt insamelaars in diens wat tussen R0.15 en R0.80 per mossel betaal word, afhangend van die aantal mossels geoes.

5. Oorkoepelende sektorale doelwitte

Die oorkoepelende doelwitte vir die toekenning van kommersiële visvangregte in die witmossel sektor is om:

- Die transformasieprofiel van die sektor merkbaar te verbeter;
- Witmosselregte toe te ken aan daardie individue wat op die oes van witmossels staatmaak vir hulle bestaan;
- Te verseker dat regte toegeken word in al die gebiede waar witmossels geoes kan word;
- Die ekonomiese lewensvatbaarheid van die bedryf te ondersteun; en
- Die omgewingsvolhoubaarheid van die bedryf te verseker.

6. Duur van regte

Kommersiële oesregte vir witmossels sal toegeken word vir 'n tydperk van nie langer as twee jaar nie. Langtermyn regte sal slegs oorweeg word wanneer daar voldoende inligting oor die status van die bron beskikbaar is en wanneer daar groter duidelikheid is oor die bemarkbaarheid van witmossels vir menslike verbruik.

7. Nuwe inkomelinge

Die bron word binne 'n aantal gebiede nie optimaal ontgin nie. Die Departement vereis dat hierdie gebiede ontgin word sodat waardevolle inligting oor witmossels in daardie gebiede ingewin kan word. Verder is die sektor ongetransformeerde.

Die gedelegeerde owerheid behoort te streef om om regte aan nuwe inkomelinge toe te ken in die gebiede waar 'n TOV vasgestel was, maar geen kommersiële witmosselregte in die medium-termyn regtetoekennings proses toegeken was nie. Verder behoort die gedelegeerde owerheid regte toeken aan nuwe inkomelinge ten einde die transformasieprofiel van die sektor te verbeter.

8. Evalueringskriteria

Aansoeke sal ingevolge 'n stel "uitsluitingskriteria" gesif word en daarna evalueer word in terme van 'n stel gelaaide "balanseringskriteria". 'n Afsnypunt of rangorde sal dan vasgestel word om die suksesvolle aansoekers te bepaal.

8.1 Uitsluitingskriteria

Buiten die kriteria beskryf in die Algemene beleid oor die onbehoorlike indiening van aansoeke en wesenlike tekortkominge, sal die gedelegeerde owerheid aansoekers uitsluit, wat versuim om aan die volgende vereistes te voldoen:

- (a) **Vorm van die aansoeker:** Daar sal slegs witmossel regte toegeken word aan natuurlike persone (d.w.s individue) wat mossels insamel of persone in diens neem wat mossels insamel. Die gedelegeerde owerheid behoort nie regte toe te ken aan mosselinsamelaars wat gelys is in die aansoeke van werkgewers nie.
- (b) **Aansoeke van families:** Oor die algemeen sal slegs een reg per huishouding toegeken word. Waar meer as een aansoek van familieledes wat by dieselfde adres woon ontvang word, mag al die aansoeke uitgesluit word. Meer as een reg mag per familie toegeken word, as aansoekers duidelik en oortuigend kan aantoon dat hulle aparte klein kommersiële ondernemings gestig het.
- (c) **Wetsnakoming:** Daar sal nie regte toegeken word aan aansoekers wat skuldig bevind is aan 'n ernstige oortreding van die WLMH, die regulasies, permitvoorwaardes of ander ernstige vissery verwante oortredings nie. Regte sal ook nie toegeken word aan aansoekers indien die aansoeker 'n visvangreg gehou het wat gekanselleer of ingetrek is in terme van die Wet op Lewende Mariene Hulpbronne nie. Indien die aansoeker 'n lid was van 'n beslote korporasie of 'n aandeelhouer van 'n maatskappy was wat 'n medium-termyn reg gehou het, dan sal daar nie aan die aansoeker 'n reg toegeken word nie indien die medium-termyn regtehouer of een van sy lede, direkteure of beherende

aandeelhouders skuldig bevind is aan 'n ernstige oortreding of sy reg opgeskort of ingetrek is nie.

- (d) **Papierkwotas:** Papierkwotas soos omskryf in die Algemene beleid sal uitgesluit word. Groot groepe identiese, of baie soortgelyke aansoeke wat deur konsultante of kommersiële visvangmaatskappye en ander entiteite geborg word, sal uitgesluit word as fronte (papierkwotas), ongeag die meriete van die individuele aansoeke.
- (e) **Nie-gebruik:** Regtehouers wat versuim het om hulle medium-termyn kommersiële witmosselreg tussen 2002 en 2004 ten volle te benut, sal nie weer 'n reg toegeken word nie.
- (f) **Persoonlike betrokkenheid:** Daar sal van aansoekers verwag word om aan te toon dat hulle persoonlik betrokke gaan wees by die oes van witmossels.
- (g) **Multi-sektorale betrokkenheid:** Aansoekers in hierdie vissery mag nie kommersiële visvangregte in enige Groep A of Groep B visserye hou nie, hetsy direk of indirek, as aandeelhouer of direkteur van 'n maatskappy of as lid van 'n beslote korporasie. Aansoekers in hierdie vissery mag ook nie regte in ander Groep C en D visserye hou nie, behalwe in tradisionele lynvis en die weskuskreefvissery.

8.2 Balanseringskriteria

Regtehouer aansoekers en potensiële nuwe inkomelinge, sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal.

(a) Transformasie

Ten einde die transformasieprofiel van die witmossel vissery te verbeter, behoort positiewe punte aan swart aansoekers toegeken te word. Geslag mag as

valbyl-faktor gebruik word indien nodig, m.a.w, waar meer as een aansoeker dieselfde telling behaal, sal 'n vroulike aansoeker verkies word bo 'n manlike aansoeker.

(b) Belegging in die vissery

Die gedelegeerde owerheid behoort in aanmerking te neem watter beleggings, indien enige, die aansoekers in die sektor gemaak het.

(c) Oesprestasie

Regtehouer aansoekers behoort evaluer te word met inagneming van hul prestasie in die witmossel sektor gedurende die medium-termyn periode (2002 tot 2004).

Nuwe inkomeling aansoekers behoort evaluer te word deur ag te slaan op hulle vermoë, kennis en vaardigheid om witmossels te oes.

(d) Afhanklikheid van witmossels

Die gedelegeerde owerheid behoort voorkeur te gee aan aansoekers wat afhanklik is van die oes van witmossels vir 'n merkbare gedeelte van hulle bruto jaarlikse inkomste. Daar mag negatiewe punte toegeken word aan aansoekers wat inkomste verdien van bronne buite die visvangindustrie. Daar sal van potensiële nuwe inkomelinge vereis word om hul historiese afhanklikheid van die witmossel sektor vir deel van hulle bestaan, aan te toon.

(e) Plaaslike ekonomiese ontwikkeling

Die gedelegeerde owerheid behoort voorkeur te gee aan aansoekers wat naby die gebied woon waar die witmossels ge-oes word. In hierdie verband behoort die gedelegeerde owerheid te vereis dat die aansoeker al vir 'n minimum tydperk van vier jaar in daardie gebied woon.

(f) **Wetsnakoming**

Daar sal negatiewe punte toegeken word aan 'n aansoekers vir nie-ernstige oortredings van die WLMH, insluitend sy regulasies.

9. Aansoekgelde

Die fooi betaalbaar by aansoek vir 'n witmosselreg is R100 (een honderd rand). Hierdie fooi is nie-terugbetaalbaar en moet ten volle betaal word.

Die jaarlikse heffings betaalbaar met ingang van 1 Januarie 2006 sal bepaal word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

10. Voorlopige lyste

Voordat die gedelegeerde owerheid 'n finale besluit neem oor die toekenning van witmosselregte, mag hy of sy 'n voorlopige lys van aansoekers uitreik in elke area vir kommentaar.

11. Permitvoorwaardes

Permitvoorwaardes vir hierdie sektor sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na konsultasie met regte houers in hierdie sektor en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.



ISEBE LEMICIMBI YEZENDALO NEZOKHENKETHO

ISEBE LOLAWULO LEZOLWANDLE NONXWEME

UMGAQO NKQUBO WOLWABIWO NOLAWULO LWAMALUNGELO EXESHA ELIDE

ORHWEBA LOKULOBA I-WHITE MUSSEL : 2005

UMGAQO NKQUBO UMELE UFUNDWE KUNYE NOMGAQO NKQUBO

JIKELELE WOKWABIWA NOLAWULO LWENKQUBO YEXESHA ELIDE

YAMALUNGELO ORHWEBO LOKULOBA:2005 (iyafumaneka ku-www.mcm-deat.gov.za)

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1. Intshayelelo

Lo mgaqo nkqubo wolwabiwo nolawulo lwamalungelo okuloba kwiCandelo Loshishino Ngeembaza eMhlophe ukutshwe nguMpathiswa Wecandelo Lezendalo Nokhenketho ("Umphathiswa"). Lo mgaqo nkqubo mawufundwe kunye Nomgaqo Nkqubo Jikelele woLwabiwo noLawulo lwaMalungelo exesha elide Orhwebo Lokuloba lowama:2005 ("uMgaqo-nkqubo Jikelele").

Injongo yalo mgaqo-nkqubo kukumisela imiba eyakuthi isebenze kunikezelo lwamalungelo oshishino ngokuvuna imbaza emhlophe. Eminye imiba ayimitshanga apha. Ibisele isetyenzisiwe liSebe Lezobume Bendalo Nokheketho: Isebe Lolawulo loLwandle noNxweme ("iSebe") kwixesha elidlulileyo xa kwakusabiwa amalungelo, kwaye ubukhulu bale nkqubo bubonisa ukubhalwa kwemithetho ngokulandelelanayo kwale miba

Eminye imiba eyothi ilawule amalungelo anikezelweyo ichaziwe ngokubanzi kulomgaqo nkqubo. Ulawulo lwesikhokelo Nkqubo yoShishino Lwecandelo leeMbaza iyakuqunjelwa ngawo onke amalungu amelungelo ngexesha lalenkqubo ngowama-2006. Esi sikhokelo siyakunika inkcazelo emisa ulawulo lolwazi lwenkqubo kunye nenkqubo yendawo ekulotywa kuyo.

Umphathiswa uzimisele ukunika igunya lecandelo 18 lokunikezela ngamalungelo okuvuna iimbaza ngokuvisisana necandelo 79 le-Marine Living Resources Act 18 of 1998 ("the MLRA") kwigosa leSebe. Lo mqulu uya kukhokele lowo ugunyazisiweyo ekuthatheni izigqibo ngezicelo kwelicandelo

2. Ibhayoloji nentshukumo zobutyebi bendalo

Imbaza ezimhlophe (*Donax serra*) zifumaneka phakathi komtla weNamibia ne Wild Coast. Zimaneka zibe ninzi endaweni ezinesanti kumazantsi onxweme lweentshona noMzantsi Afrika. Ukusasazeka kwembaza ezindaweni ezithile kuhamba nokutshintsha nokubohla kolwandle. Enxwemeni lasentshona, kufumaneka imbaza ezincinane kumphezulu wolwandle, kanti imbaza ezindala zifumaneka zizimele kwindawo ezifihlakeleyo. Kumanxweme entshona nomzantsi, ezindala zifumaneka embindini.

Imbaza ezimhlophe zezona zihamba phambili kwindawo ezinesanti zikhetha indawo ezinamaqondo ashushu. Zitya zikhule zide zibe nobude obulingana nemilimitha eyi-160 kwisithuba seminyaka emihlanu. Ezi mbaza zihambe zihlala zisihla zinyuka ulwandle kuba zihambisana nokutshintsha kolwandle, ezi zincinci zezona zifuduka qho ngaphezu kwezindala.

Ukusetyenziswa korhwebo kulinganiselwe kumda wonxweme lentshona apho imbaza ezimhlophe zininzi khona ngenxa yomsinga we Benguela onesondlo kolu nxweme.

3. Amcandelo ahlukeneyo

Urhwebo lokuvuna imbaza ezimhlophe lulinganiselwe iindawo ezisixhenxe ukugudla unxweme lwentshona. Eli candelo liqale ekupheleni kwe 1960 kodwa ngo 1966 lachaphazeleka ngumsinga obomvu owaye wadala ukufa kwembaza ezimhlophe. Ukwanda nokunonotshelwa kweembaza ezimhlophe kwathatha ngaphezu kweminyaka elishumi into eyakhokelela ekuhlени kweqondo lenzame zobambisa intlanzi ("CPUE").

Lilonke inani lembaza ezimhlophe ezithe zabanjiswa ngonyaka liye lehla kancinci ukususela ngo 1980. Oku kube sisizathu sokungabi nandlela yokugcina eli candelo liphilile kolu rhwebo. Uphando olwenziwa ngo 1988 no 1989 lubonisa ukuba kulotywe imbaza ezimhlophe ezingaphantsi kwesinye ekhulwini xa kujongwa imbaza ezindaweni ezifumaneka kuzo. Iziphumo zophando zakuqala ezikhutshwe ngo 2003 no 2004 ziyavumelana nolu phando. Ngoko ke esi sivuno sithathwa njengesingabalulekanga.

Okwangoku, abanamalungelo okurhweba bavunyelwe ukuba baqokelele 2000 yembaza ezimhlophe ngenyanga. Imbaza ezimhlophe zilotywa noba ngenjesithiyelo ingezonjongo zokuba zisetyenziswe ngabantu. Ushishino lokuba zisetyenziswe ngabantu kufaneleke ukuba luphandwe.

Icandelo leembaza liphantsi kwezame zolawulo lokuziloba. Inzame zonke ezisetyenziswayo ("TAE") zabanini malungelo asixhenxe, ngokomlinganiselo womthwalo oyi 2 000 lwembaza ezimhlophe ngenyanga nomlinganiselo osemthethweni obuncinci buyi 35 millimetres, usisinyanzelo. Abanini malungelo basenoba ngabathengisi okanye bathengise intlanzi yabo kubathengisi bembaza ezimhlophe apho elona xabiso lakhona liba phakathi kwe R1.00 ne R1.50 inye.

4. Inkqubo yolwabiwo lwamalungelo exeshana

Okwangoku, basixhenxe abanini malungelo abasiwe kwindawo ezisixhenxe kunxweme lentshona. Umnini lungelo ngamnye uvumeleke ukuba alobe imbaza eziyi 2000 ngenyanga. Emnye kubo uqesha phakathi kwesithandathu nesibhozo sabalobi aze abhatale phakathi kwe R0.15 ne R0.80 imbaza, kuxhomeke kwinani leembaza elibanjisiweyo.

5. Injongo zecandelo ezizukayo

Injongo ezikukayo zokunikezelwa kwamalungelo oshishino ngokuloba imbaza ezimhlophe ku:

- Kuphucula ngokubonakalayo ubume benguqu kulefishari;
- Kunikwe amalungelo oshishino okuloba kubalobi abaxhomeke kwezi mbaza ezimhlophe ukuze baphile;
- Qinisekiswa ukuba amalungelo anikezelwe kuzo zonke indawo apho imbaza ezimhlophe zinokulotywa khona;
- Kuxhaswe ukuphila koshishino kwalefishari; kwaye
- Kuqinisekiswa imeko yendalo yalefishari igcinakele.

6. Ixesha lamalungelo

Amalungelo oshishino lokuvuna imbaza ezimhlophe azakunikwa ixesha elingagqithanga kwiminyaka emibini. Amalungelo exesha elide ayakuqwalaselwa kuphela xa kukho ulwazi oluphelelyo kwimeko lenani lentlanzi nokucacelwa kushishino lwembaza ezimhlophe ezisetyenziswa ngabantu.

7. Abangeneleli abatsha

Imbaza azivunwa ngendlela esezingeni eliphezulu kwindawo ezithile. ISebe lifuna ukuba ezindawo zixhatshazwe ukuze lifumane ulwazi olubalulekileyo ngembaza ezimhlophe kwezindawo. Ukongeza eli candelo alinanguqu.

Igunya elithunyelweyo lizimisele ukunika imvume kubafaki zicelo abafikayo kwindawo apho kusetyenziswa khona inkqubo ye TAE, kodwa kungekho mvume yexesha eliphakathi elinikezelweyo. Ngaphezu koko, igunya elithunyelweyo liyakunikeza amalungelo kubangeneleli abatsha abazakuphucula imeko yeli candelo lokuloba intlanzi.

Igosa elimiselweyo lifanele lizame ukwaba amalungelo kubangeneleli abatsha abakwindawo ezingazange zinikwe amalungelo exeshana kodwa iTAE yayisekiwe. Kwaye Igosa elimiselweyo kumele ukunikezela mgamalungelo kubafaki-zicelo abatsha ukuze liphucule ubume benguqu kwelicandelo.

8. Uhlobo lokuhlola

Izicelo ziyakugocwa-gocwa ngokwendlela yokuthintela (*"exclusionary criteria"*), emva koko zithelekiswe ngendlela elinganayo (*"balancing criteria"*). Emva koko kuchazwe umda wamanqaku okanye izinga ukuze kukhethwe kwahlulwe abafaki-zicelo abaphumeleleyo.

8.1 *Indlela yokuthintela*

Ngaphandle kohlobo oluchazwe kuMgaqo-Nkqubo Jikelele omalunga nokufakwa kwezicelo nokukhutshwa kwezineziphene, igosa elimiselweyo liya kubakhupha abo bathe bohluleka ukuhlangabezana nezimfuno ezilandelayo:

- (a) **Uhlobo lomfaki sicelo:** Ilungelo liya kunikwa kuphela abantu bokwenene (abantu ngabanye) abangabavuni beembaza ezimhlophe okanye abaqeshe abalobi beembaza. Igosa elithunyelweyo alifanele linikezele amalungelo okuloba imbaza kubavuni abakuluhlwabaqeshi babo.
- (b) **Izicelo zosapho:** Ngokubanzi, lilungelo elinye elinokunikezwa usapho ngalunye. Apho kufumaniseke ukuba izicelo zingaphezulu kwesinye kusapho ngalunye oluhlala kwi dilesi enye, ngoko zonke ezo zicelo zinga kukhutshwa. Usapho lunganikwa ngaphezu kwelungelo elinye apho abafaki zicelo baye babonisa ngokukholisekayo ukuba baye baseka amashishini amancinci ahlukeneyo.
- (c) **Ukuthobela :** Abafaki zicelo abathe bafunyaniswa benamatyala okophula umthetho we MLRA imithetho yayo, imiqathango yemvume okanye olunye ulwaphulo-mthetho oluhambisana nokuloba, abayi kunikwa malungelo. Abafaki zicelo abaye bahluthelwa amalungelo okanye abekwa emiqathangweni ngokuvisisana ne-Marine Living Resources Act nabo abayi kufumana amalungelo. Ukuba umfaki sicelo ebelilungu le-close corporation okanye i-shareholder (umphathi-sabelo) yenkampani ebinelungelo lokwexeshana, ngoko loo mfaki sicelo akayi kufumana ilungelo ukuba umphathi lungelo lokwexeshana okanye elinye lamalungu, abaphathi, okanye ii-shareholder eziphetheyo ziye zafuniswa zinetyala lokophula umthetho ngokunzulu okanye ilungelo labo lahluthwa okanye labekelwa imiqathango. Okunye ukophula imithetho engephi ye-Marine Living Resources Act kuya kuba nefuthe elibi kwisicelo, njengokuba kuboniswe ngezantsi.
- (d) **Abafaki-zicelo abanganyanisekanga:** Abafaki-zicelo abanganyanisekanga njengoko kuchaziweyo kuMgaqo-Nkqubo Jikelele bayakukhutshelwa ngaphandle. Amaqela amakhulu ezicelo ezifana ncam okanye ezifana kakhulu ezixhaswa ngumcebisi okanye inkampani

eshishina ngokuloba namanye amaqela baya kukhutshelwa ngaphandle njengabafaki-zicelo abanganyanisekanga kungakhathaliseki ukufanelekeka kwezicelo zabo.

- (e) **Ukungasetyenziswa:** Abo banini malungelo abathe abaphumelela ukusebenzisa ngokupheleleyo amalungelo ethutyana oshishino ngembaza ezimhlophe phakathi ko 2002 no 2004 abayi kuphinda banikwe malungelo.
- (f) **Ukubandakanyeka:** Abafaki zicelo kuya kufuneka babonise ukuba baza kubandakanyeka buqu ekuvuneni imbaza ezimhlophe.
- (g) **Ukubandakanyeka kumacandelo amaninzi:** Abafaki sicelo kweli shishini abanakuba nelinye ilungelo lokuloba, enoba kungokugqalileyo okanye ngokungangqalanga njengokuba yi-shareholder (umphathi-sabelo) okanye umpathi kwinkampani okanye ilungu le-close corporation, kuLuhlu A (cluster A) okanye kuLuhlu B (cluster B). Abafaki zicelo abakolu shishino akuvumelekanga ukuba babenelungelo kuLuhlu C no D (cluster C and D), ngaphandle kwe-Traditional Linefish ne-West Coast Rock Lobster.

8.2 Indlela elinganayo yokuthelekisa

Abafaki zicelo abanamalungelo nabazakuba ngabangeneleli abatsha bazakuhlolwa ngokwale miqathango ilandelayo, eya kuthi iphononongwe ukuze kubonwe amandla esicelo ngasinye.

- (a) **Inguqu**
Ukuze kubekho inguqu kushishino lokuloba imbaza ezimhlophe, abafaki zicelo abantsundu bafanele banikwe amanqaku ngokuhle. Isini sisenikusetyenziswa njengesisombululo, apho abafaki-zicelo benamanqaku afanayo, umfaki sicelo obhinqileyo uyakukhethwa ngaphezu koyindoda.
- (b) **Utyalo-mali kulefishari**
Igosa elithunyelweyo lijonge ukuba loluphi utyalo-mali, ukuba lukhona, abafaki zicelo abanalo kweli candelo lokuloba.
- (c) **Intsebenzo ngokuloba**
Abafaki zicelo zamalungelo bafanele bavavanywe ngokwendima abayidlalayo ekulotyweni kwembaza ezimhlophe ngethuba lamalungelo exeshana phakathi ko (2002 ukuya 2004).

Abafaki zicelo abatsha baya kuvavanywa ngokwezakhono zabo, ulwazi nobuchule bokuloba imbaza ezimhlophe.

(d) Ukuxhomekeka kwimbaza ezimhlophe

Igosa elithunyelweyo lifanele likhethe abafaki zicelo abanengeniso exhomekeke kanobom ekulobeni imbaza ezimhlophe minyaka le. Abafaki zicelo abafumana ingenizo kwezinye iindawo ezingekokuloba basenokuphulukana namanqaku. Abo bafaka izicelo bangabangeneleli abatsha kuya kufuneka babonise ukuba banembali yokuxhomekeka ekulobeni imbaza emhlophe ukuze baphile.

(e) Uphuhliso loqoqosho lwasekuhlaleni.

Igosa elithunyelweyo lifanele likhethe abafaki zicelo abahlala kufutshane nendawo ezivunwa kuyo imbaza ezimhlophe. Ngolu hlobo, igosa elithunyelweyo lifanele lifune ukuba abafaki zicelo babe baye bahlala kuloo mmandla iminyaka emine ubuncinane.

(f) Ulwaphulo

Mthetho lwe MLRA Kuquka imimiselo, ngumfaki sicelo, kuyakuba neziphumo ezibi.

9. Intlawulo yokufaka isicelo

Imali oyihlawula xa ufaka isicelo sokuloba imbaza li-R100 (ikhulu leerandi). Le mali ayibuyi yaye imele ihlawulwe yonke. Imali zerhafu eziza kuhlawulwa ukususela ngo-01 Januwari 2006 ziya kuqosheliswa emva kokuba kuboniswa nabo banamalungelo. Ezi rhafu ziza kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokulawula, ukuvisisanisa nokwenza uphando.

10. Uluhlu lwethutyana

Phambi kokuba igosa elithunyelweyo lenze isigqibo ngolwabiwo lwamalungelo embaza ezimhlophe lisenokukhupha uluhlu lwethutyana lwabafaki-zicelo lesithili ngasinye ukuze kuphefumle ngalo.

11. Imiqathango yemvume

Imiqathango yemvume yelicandelo izakukhutshwa rhoqho ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokubonisana nabo banamalungelo kweli candelo lokuloba yaye iya kumana ihlolwa ngamaxesha athile, xa kuyimfuneko.



**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO KA-2005 WOKUNIKA NOKWENGAMELA IZIMVUME ZOKUDOBELA INZUZO
IZINHLANZI ZOHLOBO LWE- WHITE MUSSEL .**

**LE NQUBOMGOMO KUMELWE IFUNDWE NENQUBOMGOMO EQONDISWE
KUBO BONKE EMAYELANA NOKWABIWA KWAMALUNGELO AHLALA
ISIKHATHI ESIDE OKUDOBA NGENJONGO YEZENTENGISELWA/ IO: 2005.
(iyatholakala engosini ethi www.mcm-deat.gov.za)**

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1. Isethulo

Le nqubomgomo yokwabiwa nokuphathwa kwamalungelo okudoba izimbaza ezimhlophe endaweni yokudoba, likhishwe nguNgqongqoshe woMnyango weZemvelo Nezokuvakasha uNgqongqoshe") ukuze umphakathi ukwazi ukubeka izimvo zawo ngalo. Le Nqubomgomo: kumelwe ifundwe neNqubomgomo Eqondiswe Kubo Bonke-2005 wokunika nokwengamela imvume yokudobela inzuzo isikhathi eside("Inqubomgomo Eqondiswe Kubo Bonke").

Inhloso yalo mgomo ukubeka ngokusobala uhlelo okuzoqhutshwa ngalo uma kunikwa imvume yesikhathi eside yokudobela inzuzo izinhlanzi zohlobo lwemussel. Iningi lalezi zinhlelo azizintsha. Bezisetshenziswa uMnyango Wezemvelo Nezokuvakasha: Branch Marine and Coastal Management ("uMnyango") uma unikeza imvume esikhathini esedlule nangezinga le nqubomgomo ehlele ngayo lezi zinto okumelwe zicatshangelwe

Eminye imigomo yokuphatha ngemuva kokunikwa izivume yethuliwe kule nqubomgomo. Ibhuku eliphathelene nokuphathwa kodudotshwa kwezinhlanzi zohlobo lwe-White Mussel liyoqedelwa ngokuhlamlangamela nabanezimvume ngonyaka ka-2006. Leli bhuku liyobeke ngokusobala indlela yokuphatha kanye nequbo yokudoba..

UNgqongqoshe uhlose ukuphathisa igunya ngokuvumelana no-section 18 wokunika imvume yokudobela inzuzo izinhlanzi zohlobo lwe-mussel okuqukethwe esigabeni (section) 79 se- Marine Living Resources Act 18 ka--1988 obizwa (i-"MLRA"), onikezelwe isikhulu esiphezulu soMnyango. Le ncwadi yenqubomgomo izoqondisa isikhulu esiphathisiwe ekuthatheni izinqumo ngezicelo kulo mkhakha wokudoba.

2. Isimo Esinongokwemvelo Kanye Nemithombo Yamandla.

Izimbaza ezimhlophe (*Donax serra*) zitholaka phakathi kweNyakatho ne-Namibia kanye nendawo yase-Wild Coast. Zitholaka zibe ningi ezindaweni ezingamabhishi ezinesihlabathi esiningi kugu oluseNtshanalanga kanye naseNingizimu yezwe lase-Ningizimu Afrika. Ukusabalala kwezimbaza ezindaweni ezithile kuhambisana nokushintsha phakathi kokungenisa nokubohla kolwandle. Ogwini oluseNtshonalanga kutholakala khona izimbaza ezisencane ziphezulu nebhishi, kanti izimbaza ezindala zitholaka zisabalele ngaphansi konqenqema lokukhuphuka noma ukubohla kolwandle. Ogwini oluseMpumalanga noluseNyakatho izimbaza ezindala zithola endaweni ephakathi kokungenisa nokubohlisa kolwandle.

Izimbaza ezimhlophe yizona ezihamba phambili ekugujweni kwemigodi eminingi emabhishi anesihlabathi, ngoba zithanda usebe. Zidla zikhule phakathi kwegobolondo zize zibe ubude obungama milimitha angama-60

eminyakeni elinganiselwa kwemihlanu. Lezi zimbaza zikhuphuka zehle nogu ngokuhambisana nokushintsha phakathi kokungenisa kanye nokubohlisa kolwandle, izimbaza ezincane zehla zenyuke nogu kaningana kunezindala..

Ukuvunela inzuzo kuningi kakhulu ogwini laseNtshonalanga lapho lezi zimbaza ziningi khona ngenxa yokunotha okuza nomsinga obizwa nge-Benguela Current otholakala kulezi zindawo.

3. Uhlala lwale mboni yokudoba

Ukuotshwa kwezimbaza ngenjongo yezentengiselwano inzuzo kutholakala kuphela ezindaweni eziyisikhombisa ezisogwini oluseNtshonalanga. Le mboni yokudoba yaqala ekhupheleni kweminyaka yawo-1960, kodwa ngonyaka ka-1966 yalimala kakhulu ngenxa yokungenisa kolwandle okubizwa nge-red tide okwadala ukufa kwezimbaza ezimhlophe eziningi. Ukuzalana kwezimbaza ezimhlophe ukuze ziphinde zibe sezingeni elifanele kwathatha ngaphezu kweminyaka eyishumi, lokhu kwaphinda kwaba nomthelela ekunciphiseni lezimbaza ezingavunwa, lolu hlelo lubizwa ngokuthi yi-reduction in the catch per unit effort ("CPUE").

Inani lezimbaza ezimhlophe ezivunwa ngonyaka selwehlile kancane kusukela ngonyaka ka-1980. Lokhu kube ngumphumela wokungabi nendlela yokugcina umnotho uphilile yalo mkhakha wale mboni. Izinhlobo eziqhutshwe ngonyaka ka-1988 nonyaka ka-1989 zikhombiza ngokusobala ukuthi ukuvunwa kwezimbaza ezimhlophe kwehle kwafinyelela ngaphansi kwesilinganiso esinye ekhulwini ngokubhekelela ubukhulu bezimbaza ezindaweni ezitholakala kuzo. Imibiko ekhishwe kungakafiki isikhathi yenhlobo yonyaka ka-2003 kanye no-2004 iyavumelana nale mibiko. Ngakho-ke lesi sivuno sithathwa njengesikhulu.

Okwamanje, abanini bezimvume zokuvunela izimbaza inzuzo bavunyelwe ukuvuna izimbaza ezimhlophe eziyi-2 000. Izimbaza ezimhlophe zivunelwa ukudoba ezinye izinhlanzi, azidliwa ngabantu. Kusazokwenziwa uphenyo ngezimakethe zokudliwa kwalezi zimbaza ngabantu.

Umkhakha wemboni yezimbaza ezimhlophe unohlelo olubizwa nge-catch- and effort-controlled. Uhlelo olubizwa nge-A Total Applied Effort ("TAE") lwabanini zimvume abayisikhombisa bavumeleke ukuba bavune izimbaza (mussels) ezingu-2 000 ngenyanga eziyisilinganiso samamilimitha angama-35. Abanye balaba banini zimvume banezitolo zokuthengisa noma bathengisela izitolo isivuno sabo sezimbaza ezimhlophe, lapho bethengisa khona izimbaza phakathi kwe-R1.00 noR1.50 ngayinye.

4. Ukunika izimvume zokudoba isikhathi esiphakathi.

Okwamanje bayisikhombisa abanini zimvume abatholakala ezindaweni eziyisikhombisa ezigudle ugu. Umnini mvume ngamunye uvumeleke ukuvuna izimbaza eziyi-2 000 ngenyanga. Umnini mvume ngamunye uqashe izisebenzi eziphakathi kweziyisithupha kanye neziyisishiyagalombili eziyisithupha phakathi kwe-R0.15 nama-R0.80 ngembaza ngayinye, lokhu kuncike kwinani lezimbaza ezivuniwe.

5. Izinhlosongqangi zembali yokudoba

Izinhlosongqangi zokunika izimvume zokuvunela inzuzo izimbaza ezimhlophe embonini yokudoba yilezi:

- Ukuthuthukisa ngokuphawulekayo uguquko lokubukeka kwembali yokudoba;
- Ukunika izimvume zokuvuna izimbaza ezimhlophe kulabo abathembele kuzo ukuba baphile;
- Ukunika isiqiniseko sokuthi izimvume zinikwe ezindaweni lapho kungavunwa khona izimbaza ezimhlophe;
- Ukugcibanisa imboni yezokudoba iphilile ngokomnotho; kanye
- Ukuqinisekisa ukuthi imboni yezokudoba igcineke iphilile ngokwemvelo.

6. Isikhathi esithathwa yizimvume

Amalungelo ezimvume zokudoba izimbaza ezimhlophe ziyonikelwa isikhathi esingevile eminyakeni emibili. Izimvume zesikhathi eside ziyobhekela kuphela uma sekutholakale imibiko eyanele mayelana nobume benani lezimbaza ezimhlophe elikhona, kanye nokudliwa kwazo ngabantu.

7. Abafaki sicelo abasha

Izimbaza azivunwa ngendlela esezingeni eliphezulu ezindaweni ezithile. UMnyango udinga ukuba lezo zindawo zikhuphule izinga lokuvuna ukuze ukwazi ukuthola imibiko ebalulekile ngezimbaza ezimhlophe kulezo zindawo. Ngaphezu kwalokho, lo mkhakha awukabi nazo izinguquko.

Isikhulu esiphathisiwe kufanele senze umzamo wokwaba izimvume kubafaki zicelo abafikayo kule mboni lapho kusetshenziswa khona uhlelo lwe-TAE, kodwa kungekho zimvume zesikhathi esimaphakathi ezinikeziwe. Ngaphezu kwalokho isikhulu esiphathisiwe kufanele sabele abasanda kwenza izicelo amalungelo ukuze kuthuthukiswe uhlaka lwezinguquko okumelwe zenziwe kulo mkhakha.

8. Inqubo yokuhlola

Izicelo zemvume yokudobela izuzo ziyobukwa ngeso elibukhali ngokuhambisana "nenqubo yokungamukeleki kwabathile", ese kamuva zilinganiswa ngokuvumelana neqoqo le-*"balancing criteria"*. Kuyobekwa amaphuzu okuyiwona ayohlonza labo abazicelo zabo ziphumelele. Isilinganso se-TAE siyonikezwa labo abazicelo zabo ziphumelele ngokulandela "inqubo yesilinganiso" (*"quantum criteria"*).

8.1 Inqubo yokuthintela

Ngaphandle kwezinqubo ezichaziwe kumgomo-jikelele ophathelene nokufakwa kwezicelo kanye nokungabi sesimweni esigculisayo sezikebhe zokudoba, isikhulu esiphathisiwe ngeke sizamukele izicelo ezihluleka ukuhlangabezana nalezi zidingo:

- (a) **Uhlobo lomfaki sicelo:** Amalungelo azonikwa kuphela abantu abangabodwana abangabavuni bezimbaza kule mboni. Isikhulu esiphathisiwe kufanele sabele labo bavuni bezimbaza abahlelwe ezicelweni zabaqashi amalungeloo.
- (b) **Ukufaka izicelo kwamalungu omndeni:** Ikhaya ngalinye lizonikezwa imvume yokuvuna eyodwa. Uma kutholakala ukuthi ungaphezulu koyezwa umuntu emndenini owodwa ofake isicelo bebe behlala ekhaya elilodwa, lezo zicelo ziyobekwa eceleni. Umndeni ngamunye uyonikwa imvume engaphezu kweyodwa kuphela uma amalungu alowo mndeni engakhombisa ngokusobala ukuthi anezinkampani zokuvunela izimbaza inzuzo ezincane ezehlukene.
- (c) **Ukuthobela:** Abenzi bezicelo abaye bamangalelwa ngenxa yokwephula okubi kwemithetho ye-MLRA, iziqondiso nemibandela yezimvume noma benza amanye amacala amabi aphathelene nokudoba, ngeke balinikwe ilungelo. Abenzi bezicelo abebenelungelo eliye lasulwa noma balephucwa ngokwemibandela ye-Marine Living Resources Act ngeke besalinikwa ilungelo. Uma umenzi wesicelo ayeyilungu le-close corporation noma umnikazi wamasheya enkampani ayayinelungelo lesikhathi esiphakathi noma elinye lamalungu ayo, umqondisi noma umnikazi wamasheya oqondisayo amangalelwa ngokwephula umthetho okubi noma ilungelo lakhe lasulwa noma walephucwa. Eminye imibandela evimbelayo ye-Marine Living Resources Act ingase ibe nomthelela ongemuhe, njengoba kuboniswe ngezansi.

- (d) **Abafaki bezicelo abanamanga:** Abafaki bezicelo abanamanga bayokhushelwa ngaphandle (njengoba kuchaziwe kuMgomo-jikelele). Amaqembu amakhulu abenzi bezicelo abafanayo noma abafana kakhulu abaxhaswe ngumxhumanisi noma izinkampani ezidobela ukuthengisa nezinye izinhlangano ngeke bacatshangelwe futhi bayobhekwe njengabacashe ngesithupha kungakhathaliseki ukuthi labo benzi bezicelo babonakala befaneleka kangakanani..
- (e) **Ukungasebenziseki kwezimvume:** Labo banini zimvume abahluleka ukusebenzisa ngokuphelele izimbaza esikhathini esimaphakathi ababesinikiwe ekuvuneni izimbaza ezimhlophe phakathi konyaka ka-2002 nonyaka ka-2004 ngeke banikwe izimvume.
- (f) **Ukuhileleka Ngokomuntu Siqu:** Abenzi bezicelo kuyolindeleka ukuba babonise ukuthi bayohileleka ngokobuqu ekudotshweni kwezimbaza.
- (g) **Ukuhileleka emikhakheni emininigi:** Abenzi bezicelo kulo mkhakha bangase bangabi nalo elinye ilungelo lokudoba, ngokuqondile noma ngokungaqondile njengabanikazi bamasheya noma umqondisi wenkampani noma ilungu le-close corporation, kuCluster A noma kuCluster B. Abenzi bezicelo kulo mkhakha wokudoba abanakuvunyelwa futhi ukuba babe namalungelo kuCluster C no-D, ngaphandle kwabadoba ngosinga nasezindaweni zokudoba irock lobster.

8.2 Inqubo yokulinganisa

Abenzi bezicelo abangabanikazi bamalungelo kanye nabantu abasha abenze izicelo bazohlolwa ngokuvumelana nemibandela yokulinganisa (balancing criteria) ezolinganiswa ukuze kuhlolwe amandla omenzi wesicelo ngamunye:

(a) Uguquko

Ukuze kubekhona izinguquko ekubukekeni kwemboni yokuvuna izimbaza ezimhlophe, abavuni abampisholo kufanele bacatshangelwe kuqala. Ubulili bungasetshenziswa ukuze kukhethwe ozonikwa imvume, lokho kuchaza ukuthi uma engaphezu koyedwa umuntu onaphuzu afana nawomunye, owesifazane uyoncanyelwa kunowesilisa onamaphuzu afanayo.

(b) Utshalo zimali embonini yokuvuna izimbaza

Isikhulu esiphathisiwe kufanele sicabangele ukuthi abafaki zicelo bayitshalile na imali kule mkhakha.

(c) Ukusebenza ngokuvuna

Abafaka izingcingane zezimvume kufanele bahlungwe ngokubhekelela izinga lokuvuna izimbaza kulo mkhakha abafinyelele kulo ngesikhathi semvume esiphakathi nendawo kusukela kunyaka ka-2002 kuya kunyaka ka-2004.

Abafaka izingcingane zokungena kule mboni kufanele bahlungwe ngokubhekelela ikhono nolwazi lwabo ekuvuneni izimbaza ezimhlophe.

(d) Ukuthembela esivunweni sezimbaza ezimhlophe

Isikhulu esiphathisiwe kufanele sikhethwe abafaki zicelo abathembela esivunweni sezimbaza ezimhlophe ukuze bathole isilinganiso esikhulu seholo labo lonyaka. Abafaki bezicelo abathola iholo labo kweminye imithombo ngaphandle kwale mboni bangase banyukane namaphuzu. Abafaki bezicelo abasha abangase bamukelwe kuzodingeka babonise ukwethembela kwabo ekudobeni izimbaza ukuze baziphilise. Abafaki bezicelo abathola umholo wabo emithonjeni ngaphandle bangase bashayelwe amakhala.

(e) Ukuthuthukiswa komnotho wasekuhleleni

Isikhulu lesiphathisiwe kufanele sibheke labo benzi bezicelo abahlala eduze kwendawo okudotshwa kuyo izimbaza. Kulokhu, isikhulu esiphathisiwe kufanele sidinge ukuba abenzi bezicelo bebe behlalile kuleyo ndawo okungenani iminyaka engengaphansi kwemine.

(f) Ukuthobela

Ukwephulwa kwemithetho ye-MLRA okuncane, kuhlanguke neziqondiso zayo, ngumenzi wesicelo kuzokwenza ashayelwe amakhala.

9. Imali yokufaka isicelo

Imali ekhokhelwa ukwenza isicelo selungelo lokudoba izimbaza ngu-R100 (ikhulu lamarandi). Le mali ayibuyiswa futhi kufanele ikhokhwe yonke.

Izimali (izintela) ezikhokhwa minyaka yonke kusukela ngomhla ka 01 January 2006 ziyonqunywa ngemva kokuthintana nabanikazi bamalungelo. Lezi zintela ezikhokhwayo ziyosetshenziswa nguMnyango ukuze kulangatshezwane nezindleko zokuphatha zaminyaka yonke, ukwenza ngokuvumelana nomthetho nocwaningo.

10. Uhlu lwesikhashana

Ngaphambi kokuba isikhulu esiphathisiwe senze isinqumo esingumnqamula juqu mayelana nokwabiwa kwamalungelo okudoba izimbaza, siyokhipha uhlu lwesikhashana ukuze kusikwe elijikayo.

11. Imibandela yezimvume

Imibandela yezimvume kulomkhakha wokudoba iyokhishwa njalo ngonyaka. Imibandela yezimvumeiyonqunywa ngemva kokuba sekuthintenwe nabanikazi bezimvume kulo mkhakha wokudoba futhi iyobuyekwezwa lapho kudingekile.

SCHEDULE B

SPECIMEN APPLICATION FORMS

APPLICATION NUMBER: OTRM**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM****BRANCH: MARINE AND COASTAL MANAGEMENT**

Oysters

Long Term Rights Allocation Process: 2005**Cluster D**

Name of Applicant:

Identification Number:

Area you intend to pick Oysters
in:

1

2

3

I confirm that the applicant presented his / her original identification document:

Name of RVU Official:

Signature of RVU Official:

Date:

IMPORTANT INFORMATION

INSTRUCTIONS

GENERAL

- 1) This application form must be read together with these Instructions.
- 2) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, and to focus on the Oyster sector specific policy. These policies are available at the application centre. The policies guide the Minister or his delegate when considering the application.
- 3) You may request an official from the Department to assist you with the completion of the application form at the application centre. Should you have any queries regarding the completion of the application form, you may ask this official to answer your query. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) The application form makes use of the clipboard icon. The clipboard icon means that you must annex information as an annexure to the application form. The assistant at the application centre will tell you which information to put in the annexures. If you do not wish to be assisted you may compile your own annexures by using the Schedules to the application form.



COMPLETION OF APPLICATION FORM

- 5) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown."
- 6) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
- 7) You must sign and attest the declaration. If the declaration is not signed and attested, the application will be refused.

LODGEMENT OF APPLICATION

- 8) The application must be hand delivered to the application centre from which you collected your application before the closing date and time specified by the officials at the application centre. An application not submitted by hand within the times and dates specified by the officials, will be refused.
- 9) The application may not be submitted by post or by fax.

IMPROPER LODGEMENT

- 10) Improperly lodged applications will be refused. An application is improperly lodged if:
 - it is received late;
 - the applicant makes no payment, or short payment, or late payment of the application fee; or
 - the application is lodged ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 11) Applications that are materially defective will be refused. An application is materially defective if:
 - the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname

1.2 Applicant First Name(s):

1.3 Identity Number:

1.4 Income Tax Number (if applicable):

Area Code:

1.5 Work Telephone Number:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address

Number and Street:

Suburb:

Town / City:

Postal Code:

1.10 How long have you lived and / or worked in the area?

Years

1.11 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)?

☐ Yes ☐ No

1.13 Please indicate your gender:

☐ Male ☐ Female

1.14 How old are you:

Years

1.15 How long have you been involved in the fishing industry?

Years



Section 2

Form of Applicant

2.6 If "Yes," complete the following table for all rights applied for (including this application for Oyster) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.7 Are you a member, director or shareholder of an applicant that applied for any commercial fishing right?

☐ Yes ☐ No

2.8 If "Yes," complete the following table for all rights applied for (including this application for Oysters) in order of preference:

Name of Applicant for other right	Fishery	Application Number (If available)

2.9 Have any of your family members applied for any other long-term commercial fishing rights (including Oysters)?

☐ Yes ☐ No

2.10 If "Yes," complete the following table:

[illegible]

Section 3**Compliance****3.1 Have you :**

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



3.2 Has your fishing vessel, motor vehicle, premises or any of your assets been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



3.3 Was your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No



You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a commercial medium term Oyster right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4**Investment**

4.1 Have you made any investments in fishing gear to harvest oysters?

☐ Yes ☐ No



4.2 If "Yes," what amount have you invested?

4.3 Have you made any investments in processing or marketing of oysters either locally or internationally?

☐ Yes ☐ No



4.4 If "Yes," what amount have you invested?

Section 5**Catch Utilisation**

5.1 Complete the following in relation to your medium term Oyster catch records.

Year	Name of medium term right holder	2001 Application Number	Number pickers allocated to applicant	Daily bag limit per picker	Actual Amount harvested in kilograms
2002					
2003					
2004					

Section 5**Catch Utilisation**

5.2 If you were a member, director or shareholder of a medium term Oyster right holder complete the following in relation to this medium term right holder's catch records.

Year	Name of medium term right holder	2001 Application Number	Number pickers allocated to applicant	Daily bag limit per picker	Actual Amount harvested in kilograms
2002					
2003					
2004					

Section 6**Historical Involvement**

6.1 Did you work as a harvester in the commercial Oyster fishery at any stage since the beginning of 2002?

☐ Yes ☐ No

6.2 If "Yes," complete the following table:

Name of Right Holder	2004 Permit number	Duration that you worked for the right holder (from date to date)

6.3 Did you, as right holders, employ pickers in the commercial Oyster fishery at any stage since the beginning of 2002?

☐ Yes ☐ No

6.4 If "Yes," complete the following table:

Name	ID Number	Duration

6.5 What is your annual income ?

6.6 What percentage of your annual income is generated through working in the Commercial Oyster Sector ?

Section 6**Historical Involvement**

6.7 Describe any other sources of income you have:

	Sources of Income (other than Oysters)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7**Skills, Knowledge, Processing & Marketing**

7.1 Have you entered, or will you (if allocated a right) enter into a marketing agreement?

☐ Yes ☐ No

7.2 Have you entered, or will you (if allocated a right) enter into a processing agreement?

☐ Yes ☐ No

7.3 Will you be personally involved in harvesting the resource?

☐ Yes ☐ No

7.4 How will you harvest the resource?

☐ Yes ☐ No**Section 8****Pickers**

8.1 Will you be employing others to pick the oysters?

☐ Yes ☐ No

8.2 Please provide the names of the pickers you will employ should you be granted a right in the table below:

	Name	Identity Number
1		
2		
3		
4		
5		
6		
7		
8		

Section 9**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on page 2 of this application form.
- (b) To the extent that an official of the Department of Environmental Affairs and Tourism Branch: Marine and Coastal Management assisted me, I consented to be assisted and I accept that the official completed the form in accordance with my instructions.
- (c) The information submitted with and in this Application is true and correct and complete.
- (d) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998.
- (e) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.
- (f) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (g) I accept that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Applicant: _____

Applicant's Full Name: _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

Departmental Official Declaration

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH: MARINE AND COASTAL MANAGEMENT



I, the undersigned, declare that, to the extent that I completed the form on behalf of the applicant I did so in accordance with the instructions of the applicant.

Signed at: _____

This _____ **day of** _____ **2005**

Signature: _____

Full Name: _____

Designation: _____

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT**

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: _____

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

APPLICATION NUMBER: KSBM**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM****BRANCH: MARINE AND COASTAL MANAGEMENT**

KwaZulu-Natal Sardine Beach-Seine

Long Term Rights Allocation Process: 2005**Cluster D**

Name of Applicant:

Identification Number:

I confirm that the applicant presented his / her original identification document:

Name of RVU Official:

Signature of RVU Official:

Date:

IMPORTANT INFORMATION**INSTRUCTIONS****GENERAL**

- 1) This application form must be read together with these Instructions.
- 2) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, and to focus on the KZN Sardine Beach Seine sector specific policy. These policies are available at the application centre. The policies guide the Minister or his delegate when considering the application.
- 3) You may request an official from the Department to assist you with the completion of the application form at the application centre. Should you have any queries regarding the completion of the application form, you may ask this official to answer your query. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) The application form makes use of the clipboard icon. The clipboard icon means that you must annex information as an annexure to the application form. The assistant at the application centre will tell you which information to put in the annexures. If you do not wish to be assisted you may compile your own annexures by using the Schedules to the application form.

**COMPLETION OF APPLICATION FORM**

- 5) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown."
- 6) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
- 7) You must sign and attest the declaration. If the declaration is not signed and attested, the application will be refused.

LODGEMENT OF APPLICATION

- 8) The application must be hand delivered to the application centre from which you collected your application before the closing date and time specified by the officials at the application centre. An application not submitted by hand within the times and dates specified by the officials, will be refused.
- 9) The application may not be submitted by post or by fax.

IMPROPER LODGEMENT

- 10) Improperly lodged applications will be refused. An application is improperly lodged if:
 - it is received late;
 - the applicant makes no payment, or short payment, or late payment of the application fee; or
 - the application is lodged ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 11) Applications that are materially defective will be refused. An application is materially defective if:
 - the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname

1.2 Applicant First Name(s):

1.3 Identity Number:

1.4 Income Tax Number (if applicable):

Area Code:

1.5 Work Telephone Number:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address

Number and Street:

Suburb:

Town / City:

Postal Code:

1.10 How long have you lived and / or worked in the KZN province?

Years

1.11 Postal Address:

Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)?

☐ Yes ☐ No

1.13 Please indicate your gender:

☐ Male ☐ Female

1.14 How old are you:

Years

1.15 How long have you been involved in the fishing industry?

Years



Section 2

Applicant Details - Close Corporations

2.1 Name of Close Corporation:

2.2 Registration Number:

2.3 Income Tax Number:

2.4 Principal Place of Business

Number and Street:

Town / City:

Suburb:

Postal Code:

2.5 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

2.6 Name of Authorised Contact Person:

2.7 Identity Number of Authorised Contact Person:

Area Code:

2.8 Telephone Number:

2.9 Cell Phone Number:

2.10 Fax Number:

2.11 E-mail address:

2.12 How long has the applicant operated in the KZN province?

Years

2.13 Complete the following table in relation to the applicant's members as at closing day:

Name of Member	ID Number of Member	Is the Member Black (Y/N)	Gender of the Member (M/F)	Percentage Interest Held by the Member

2.14 How long has the applicant been involved in the fishing industry?

Years



Section 3**Form of Applicant**

3.1 Does the applicant have a KZN Sardine Beach-Seine ("Beach-Seine") medium term fishing right? ☐ Yes ☐ No

3.2 Is the applicant a shareholder, member or beneficiary of a Beach-Seine medium term right holder? ☐ Yes ☐ No

3.3 If "Yes," what is the name of the Beach-Seine medium term right holder of which the applicant is a member, shareholder or beneficiary?

3.4 Does a shareholder or member of the applicant hold a medium term KZN Sardine Beach Seine right? ☐ Yes ☐ No

3.5 If "Yes," complete the following table:

Name of Shareholder / Member	Percentage Shareholding or Membership Interest

3.6 Has the applicant, or any of its members, applied for any other long-term commercial fishing rights? ☐ Yes ☐ No

3.7 If "Yes," complete the following table for all rights applied for (including this application for Beach-Seine) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

3.8 Is the applicant a member, director or shareholder of an applicant that applied for any other commercial fishing right? ☐ Yes ☐ No

3.9 If "Yes," complete the following table for all rights applied for (including this application for Beach-Seine) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

Section 3**Form of Applicant**

3.8 Have any of the applicant's family members or, if the applicant is a close corporation, a member's family members, applied for any other long-term commercial fishing rights?

☐ Yes ☐ No

3.9 If "Yes," complete the following table:

Fishery	Application Number	Relationship to you or member (i.e. wife, husband, brother, cousin, mother etc)	Do they live in the same household as you or the member? (Yes or No)

Section 4**Compliance**

4.1 Has the applicant, or any of its members:

4.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



4.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



4.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



4.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



4.2 Has a fishing vessel, motor vehicle, premises or any other assets of the applicant, or any of its members been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



4.3 Was the applicant's or any of the applicant's members' right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No



You must answer "yes" to the above questions also if the applicant was a shareholder or director of a company that held a commercial medium term Beach-Seine right and this entity or one of its shareholders or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 5**Vessel Details and Investment**

5.1 Fill in the table below regarding the nominated vessel:

Vessel name	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Describe the nets that the applicant intends to use should it be granted a right	
Nature of Access to Nets (majority owner or agreement with owner)	
Applicant's share in nets (percentage)	
Value of applicants's share in nets (rand amount)	

Section 6**Catch Utilisation**

6.1 Complete the following table in relation to the medium term right holder's catch records.

Year	Name of medium term right holder	2001 Application Number	Number of nets allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

Section 7

Historical Involvement

7.1 Have you been involved in KZN Sardine Beach Seine fishing before?

☐ Yes ☐ No

7.2 If "Yes," complete the following table:

Year (from date to date)	Nature of Involvement

7.3 What is the applicant's annual turnover ?

7.4 What percentage of the applicant's annual turnover is generated through harvesting Sardines ?

7.5 Describe any other sources of income :

	Sources of Income (other than involvement in Sardine Beach Seine)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7**Historical Involvement**

7.9 Describe any other work (other than KZN Sardine Beach Seine fishing) that a member of the applicant does:

	Working Activities (other than involvement in Sardine Beach-Seine)	Rand Value per Year	Percentage of Total Income
1			
2			
3			
4			

Section 8**Job Creation**

8.1 How many people does the applicant employ on a permanent full-time basis?

8.2 How many people does the applicant employ on a seasonal or part-time basis?

Section 9**Skills, Knowledge, Processing & Marketing**

9.1 Has the applicant entered, or will the applicant (if allocated a right) enter into a catching agreement?

☐ Yes ☐ No



9.2 Has the applicant entered, or will the applicant (if allocated a right) enter into a marketing agreement?

☐ Yes ☐ No



9.3 Has the applicant entered, or will the applicant (if allocated a right) enter into a processing agreement?

☐ Yes ☐ No



9.4 Will the applicant or its member be personally involved (on board) in catching the resource?

☐ Yes ☐ No



9.5 How will the applicant harvest the resource?

☐ Yes ☐ No



Section 10**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on page 2 of this application form.
- (b) To the extent that an official of the Department of Environmental Affairs and Tourism Branch: Marine and Coastal Management assisted me, I consented to be assisted and I accept that the official completed the form in accordance with my instructions.
- (c) The information submitted with and in this Application is true and correct and complete.
- (d) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998.
- (e) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.
- (f) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (g) I accept that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Applicant: _____

Applicant's Full Name: _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

Departmental Official Declaration

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH: MARINE AND COASTAL MANAGEMENT

I, the undersigned, declare that, to the extent that I completed the form on behalf of the applicant I did so in accordance with the instructions of the applicant.

Signed at: _____

This _____ **day of** _____ **2005**

Signature: _____

Full Name: _____

Designation: _____

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** _____**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

RECEIPT - FOR APPLICANT TO RETAIN**Received by:** _____**Date of Receipt:** _____**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

APPLICATION NUMBER: NETM**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM****BRANCH: MARINE AND COASTAL MANAGEMENT**

Beach-Seine (Treknet) and Gillnet (Drift-Net, Set-Net)

Long Term Rights Allocation Process: 2005**Cluster D**

Name of Applicant:

Identification Number:

Area you intend to harvest in:

1

2

3

I confirm that the applicant presented his / her original identification document:

Name of RVU Official:

Signature of RVU Official:

Date:

IMPORTANT INFORMATION

INSTRUCTIONS

GENERAL

- 1) This application form must be read together with these Instructions.
- 2) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, and to focus on the Beach Seine and Gillnet sector specific policy. These policies are available at the application centre. The policies guide the Minister or his delegate when considering the application.
- 3) You may request an official from the Department to assist you with the completion of the application form at the application centre. Should you have any queries regarding the completion of the application form, you may ask this official to answer your query. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) The application form makes use of the clipboard icon. The clipboard icon means that you must annex information as an annexure to the application form. The assistant at the application centre will tell you which information to put in the annexures. If you do not wish to be assisted you may compile your own annexures by using the Schedules to the application form.



COMPLETION OF APPLICATION FORM

- 5) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown."
- 6) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
- 7) You must sign and attest the declaration. If the declaration is not signed and attested, the application will be refused.

LODGEMENT OF APPLICATION

- 8) The application must be hand delivered to the application centre from which you collected your application before the closing date and time specified by the officials at the application centre. An application not submitted by hand within the times and dates specified by the officials, will be refused.
- 9) The application may not be submitted by post or by fax.

IMPROPER LODGEMENT

- 10) Improperly lodged applications will be refused. An application is improperly lodged if:
 - it is received late;
 - the applicant makes no payment, or short payment, or late payment of the application fee; or
 - the application is lodged ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 11) Applications that are materially defective will be refused. An application is materially defective if:
 - the declaration is not signed and attested by the applicant
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname

1.2 Applicant First Name(s):

1.3 Identity Number:

1.4 Income Tax Number (if applicable):

Area Code:

1.5 Work Telephone Number:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address

Number and Street:

Suburb:

Town / City:

Postal Code:

1.10 How long have you lived and / or worked in the area?

Years

1.11 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)?

☐ Yes☐ No

1.13 Please indicate your gender:

☐ Male☐ Female

1.14 How old are you:

Years

1.15 How long have you been involved in the fishing industry?

Years



Form of Applicant

Beach Seine Right ☐ Yes ☐ No Beach Seine Exemption ☐ Yes ☐ No
Gillnet Right ☐ Yes ☐ No Gillnet Exemption ☐ Yes ☐ No

Beach Seine Right ☐ Yes ☐ No Beach Seine Exemption ☐ Yes ☐ No
Gillnet Right ☐ Yes ☐ No Gillnet Exemption ☐ Yes ☐ No

[illegible]

☐ Yes ☐ No

Form of Applicant

Name of Applicant for other right	Fishery	Application Number (if available)

Name of Applicant for other right	Fishery	Application Number (If available)

2.12 If "Yes," complete the following table:

[illegible]

Section 3**Compliance****3.1 Have you :**

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



3.2 Has your fishing vessel, motor vehicle, premises or any of your assets been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



3.3 Was your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No



You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a commercial medium term Netfish right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4**Vessel & Gear Details****4.1 Fill in the table below regarding the vessel and gear the you intend to use:**

Vessel name	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Describe the nets that the applicant intends to use should it be granted a right	
Nature of Access to nets (majority owner or agreement with owner)	
Applicant's share in nets (percentage)	
Value of applicant's share in nets (rand amount)	

Section 5**Catch Utilisation**

5.1 Complete the following in relation to your Netfish medium term catch records.

Year	Name of medium term/ exemption right holder	2001 Application Number (if applicable)	Number of nets allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

5.2 If you were a member, director or shareholder of a medium term Netfish right or exemption holder complete the following in relation to this medium term right holder's catch records.

Year	Name of medium term right / exemption holder	2001 Application Number (if applicable)	Number of nets allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

Section 6**Historical Involvement**

6.1 Have you been involved in commercial netfishing before?

☐ Yes ☐ No

6.2 If "Yes," complete the following table:

Year (from date to date)	Nature of Involvement

6.3 What is your annual income ?

6.4 What percentage of your annual income is generated through working in the Commercial Netfish Sector ?

Section 6

Historical Involvement

6.5 Describe the other sources of income:

	Sources of Income (other than Netfish)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7

Job Creation

7.1 How many people do you employ on a permanent full-time basis?

--	--

7.2 How many people do you employ on a seasonal or part-time basis?

--	--

Section 8

Skills, Knowledge, Processing & Marketing

8.1 Have you entered, or will you (if allocated a right) enter into a catching agreement?

☐ Yes ☐ No


8.2 Have you entered, or will you (if allocated a right) enter into a marketing agreement?

☐ Yes ☐ No


8.3 Have you entered, or will you (if allocated a right) enter into a processing agreement?

☐ Yes ☐ No


8.4 Will you be personally involved (on board) in catching the resource?

☐ Yes ☐ No


8.5 How will you harvest the resource ?

☐ Yes ☐ No


Section 9**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on page 2 of this application form.
- (b) To the extent that an official of the Department of Environmental Affairs and Tourism Branch: Marine and Coastal Management assisted me, I consented to be assisted and I accept that the official completed the form in accordance with my instructions.
- (c) The information submitted with and in this Application is true and correct and complete.
- (d) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998.
- (e) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.
- (f) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (g) I accept that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Applicant: _____

Applicant's Full Name: _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

Departmental Official Declaration**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM****BRANCH: MARINE AND COASTAL MANAGEMENT**

I, the undersigned, declare that, to the extent that I completed the form on behalf of the applicant I did so in accordance with the instructions of the applicant.

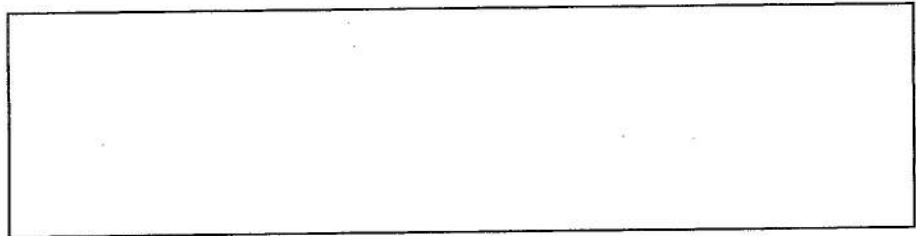
Signed at: _____

This _____ **day of** _____ **2005**

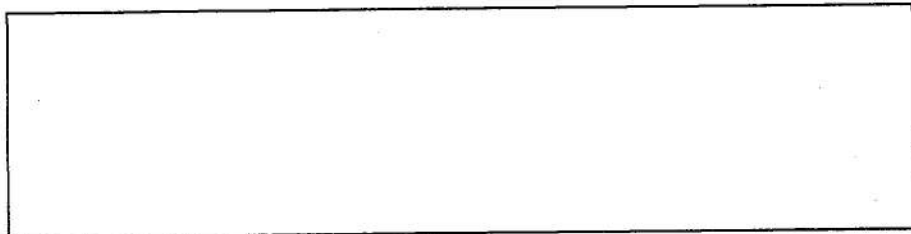
Signature: _____

Full Name: _____

Designation: _____

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** _____**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

RECEIPT - FOR APPLICANT TO RETAIN**Received by:** _____**Date of Receipt:** _____**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its contents.

APPLICATION NUMBER: WMSM**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM****BRANCH: MARINE AND COASTAL MANAGEMENT**

White Mussels

Long Term Rights Allocation Process: 2005**Cluster D**

Name of Applicant:

Identification Number:

Area you intend to harvest
White Mussels in:

1

2

3

I confirm that the applicant presented his / her original identification document:

Name of RVU Official:

Signature of RVU Official:

Date:

IMPORTANT INFORMATION**INSTRUCTIONS****GENERAL**

- 1) This application form must be read together with these Instructions.
- 2) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, and to focus on the White Mussels sector specific policy. These policies are available at the application centre. The policies guide the Minister or his delegate when considering the application.
- 3) You may request an official from the Department to assist you with the completion of the application form at the application centre. Should you have any queries regarding the completion of the application form, you may ask this official to answer your query. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) The application form makes use of the clipboard icon. The clipboard icon means that you must annex information as an annexure to the application form. The assistant at the application centre will tell you which information to put in the annexures. If you do not wish to be assisted you may compile your own annexures by using the Schedules to the application form.

**COMPLETION OF APPLICATION FORM**

- 5) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown."
- 6) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
- 7) You must sign and attest the declaration. If the declaration is not signed and attested, the application will be refused.

LODGEMENT OF APPLICATION

- 8) The application must be hand delivered to the application centre from which you collected your application before the closing date and time specified by the officials at the application centre. An application not submitted by hand within the times and dates specified by the officials, will be refused.
- 9) The application may not be submitted by post or by fax.

IMPROPER LODGEMENT

- 10) Improperly lodged applications will be refused. An application is improperly lodged if:
 - it is received late;
 - the applicant makes no payment, or short payment, or late payment of the application fee; or
 - the application is lodged ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 11) Applications that are materially defective will be refused. An application is materially defective if:
 - the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

- 1.1 Applicant Surname
- 1.2 Applicant First Name(s):
- 1.3 Identity Number:
- 1.4 Income Tax Number (if applicable):
- Area Code:
- 1.5 Work Telephone Number:
- 1.6 Cell Phone Number:
- 1.7 Fax Number:
- 1.8 E-mail address:
- 1.9 Residential Address
- Number and Street:
- Suburb:
- Town / City:
- Postal Code:
- 1.10 How long have you lived and / or worked in the area? Years
- 1.11 Postal Address: Number and Street / PO Box:
- Suburb:
- Town / City:
- Postal Code:
- 1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)? ☐ Yes ☐ No
- 1.13 Please indicate your gender: ☐ Male ☐ Female
- 1.14 How old are you: Years
- 1.15 How long have you been involved in the fishing industry? Years

Section 2

Form of Applicant

2.1 Do you have a commercial White Mussel medium term fishing right?

☐ Yes ☐ No

2.2 Are you a shareholder of a company or member of close corporation that held a commercial White Mussel medium term fishing right?

☐ Yes ☐ No

2.3 If "Yes," what is the name of the company or close corporation?

2.4 If "Yes," to 2.2 who are the shareholders of the company or close corporation?

[illegible]

2.5 Have you applied for any other long-term commercial fishing rights?

☐ Yes ☐ No

Section 3**Compliance****3.1 Have you :**

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



3.2 Has your fishing vessel, motor vehicle, premises or any of your assets been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



3.3 Was your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No



You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a commercial medium term White Mussel right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4**Investment**

4.1 Have you made any investments in fishing gear to harvest white mussels?

☐ Yes ☐ No



4.2 If "Yes," what amount have you invested?

Section 5**Catch Utilisation**

5.1 Complete the following in relation to your medium term White Mussel catch records.



Year	Name of medium term right holder	2001 Application Number	Number of mussels allocated to applicant per annum (allocation per month x 12)	Actual Number of mussels harvested
2002				
2003				
2004				

Section 5**Catch Utilisation**

5.2 If you were a member, director or shareholder of a medium term White Mussel right holder complete the following in relation to this medium term right holder's catch records.

Year	Name of medium term right holder	2001 Application Number	Number of mussels allocated to applicant per annum	Actual Number of mussels harvested
2002				
2003				
2004				

Section 6**Historical Involvement**

6.1 Did you work as a harvester in the commercial White Mussel fishery at any stage since the beginning of 2002?

☐ Yes ☐ No

6.2 If "Yes," complete the following table:

Name of Right Holder	2004 Permit number	Duration that you worked for the right holder (from date to date)

6.3 Did you, as a right holder, employ harvesters in the commercial White Mussel fishery at any stage since the beginning of 2002?

☐ Yes ☐ No

6.4 If "Yes," complete the following table:

Name	ID Number	Duration

6.5 What is your annual income ?

6.6 What percentage of your annual income is generated through working in the Commercial White Mussel Sector ?

Section 6**Historical Involvement**

6.7 Describe any other sources of income:

	Sources of Income (other than White Mussels)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7**Skills, Knowledge, Processing & Marketing**

7.1 Have you entered, or will you (if allocated a right) enter into a marketing agreement?

☐ Yes ☐ No

7.2 Have you entered, or will you (if allocated a right) enter into a processing agreement?

☐ Yes ☐ No

7.3 Will you be personally involved in harvesting the resource?

☐ Yes ☐ No

7.4 How will you harvest the resource?

☐ Yes ☐ No**Section 8****Harvesters**

8.1 Will you be employing others to harvest the white mussels?

☐ Yes ☐ No

8.2 Please provide the names of the harvesters you will employ should you be granted a right in the table below:

	Name	Identity Number
1		
2		
3		
4		
5		
6		
7		
8		

Section 9**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on page 2 of this application form.
- (b) To the extent that an official of the Department of Environmental Affairs and Tourism Branch: Marine and Coastal Management assisted me, I consented to be assisted and I accept that the official completed the form in accordance with my instructions.
- (c) The information submitted with and in this Application is true and correct and complete.
- (d) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998.
- (e) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.
- (f) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (g) I accept that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Applicant: _____

Applicant's Full Name: _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

Departmental Official Declaration**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM****BRANCH: MARINE AND COASTAL MANAGEMENT**

I, the undersigned, declare that, to the extent that I completed the form on behalf of the applicant I did so in accordance with the instructions of the applicant.

Signed at: _____

This _____ **day of** _____ **2005**

Signature: _____

Full Name: _____

Designation: _____

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SCHEDULE C

**SCHEDULE OF FEES DETERMINED IN TERMS OF SECTION 25(2) AND SECTION 25(1) OF THE
MARINE LIVING RESOURCES ACT 18 OF 1998**

SCHEDULE C
SCHEDULE OF FEES DETERMINED IN TERMS OF SECTION 25(2) AND SECTION 25(1) OF THE
MARINE LIVING RESOURCES ACT 18 OF 1998

Fisheries	Past Fee (Rand)	Application Fee (S25(2)) (Rand)	Quota (Grant of Right) fee payable by successful applicants (S25(1)) (Rand)			
			Per ton	Per crewmember	Per vessel	Per area
Hake Deep Sea Trawl	7,000	32,400	54.0			
Hake Inshore Trawl (hake)*		8,800	54.0			
Hake Inshore Trawl (sole)*	7,000	2,000	135.0			
Horse Mackerel	7,000	21,900	33.0			
Small Pelagics(pilchard)*		6,400	6.4			
Small Pelagics(Anchovy)*	7,000	2,000	3.7			
Patagonian Tooth Fish	7,000	21,000	653.0			
South Coast Rock Lobster (wholemass)	7,000	8,800	788.0			
KZN Prawn Trawl	7,000	7,700			15,400.0	
West Coast Rock Lobster (Off shore)	7,000	2,000	540.0			
Hake Long Line	7,000	2,500	162.0			
Squid	7,000	5,200		703.0		
Tuna Pole	7,000	1,300		113.0		
Seaweed	7,000	1,900				3,400.0
Longline Demersal Shark	7,000	500			375.0	
Linefish Traditional	7,000	400		204.0		
Handline Hake	7,000	1,300		817.0		
West Coast Rock Lobster (Near shore)	585	300				
Oysters	585	100				
White Mussels	585	100				
Net Fishing (small nets/gill nets/beach seine/trek	585	200				

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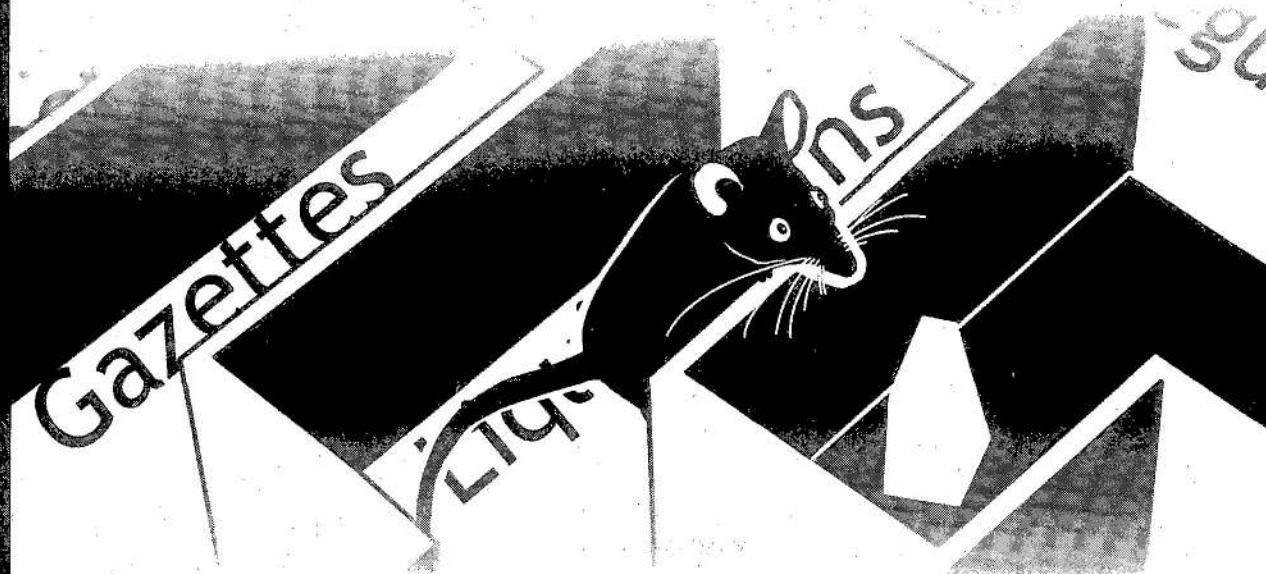
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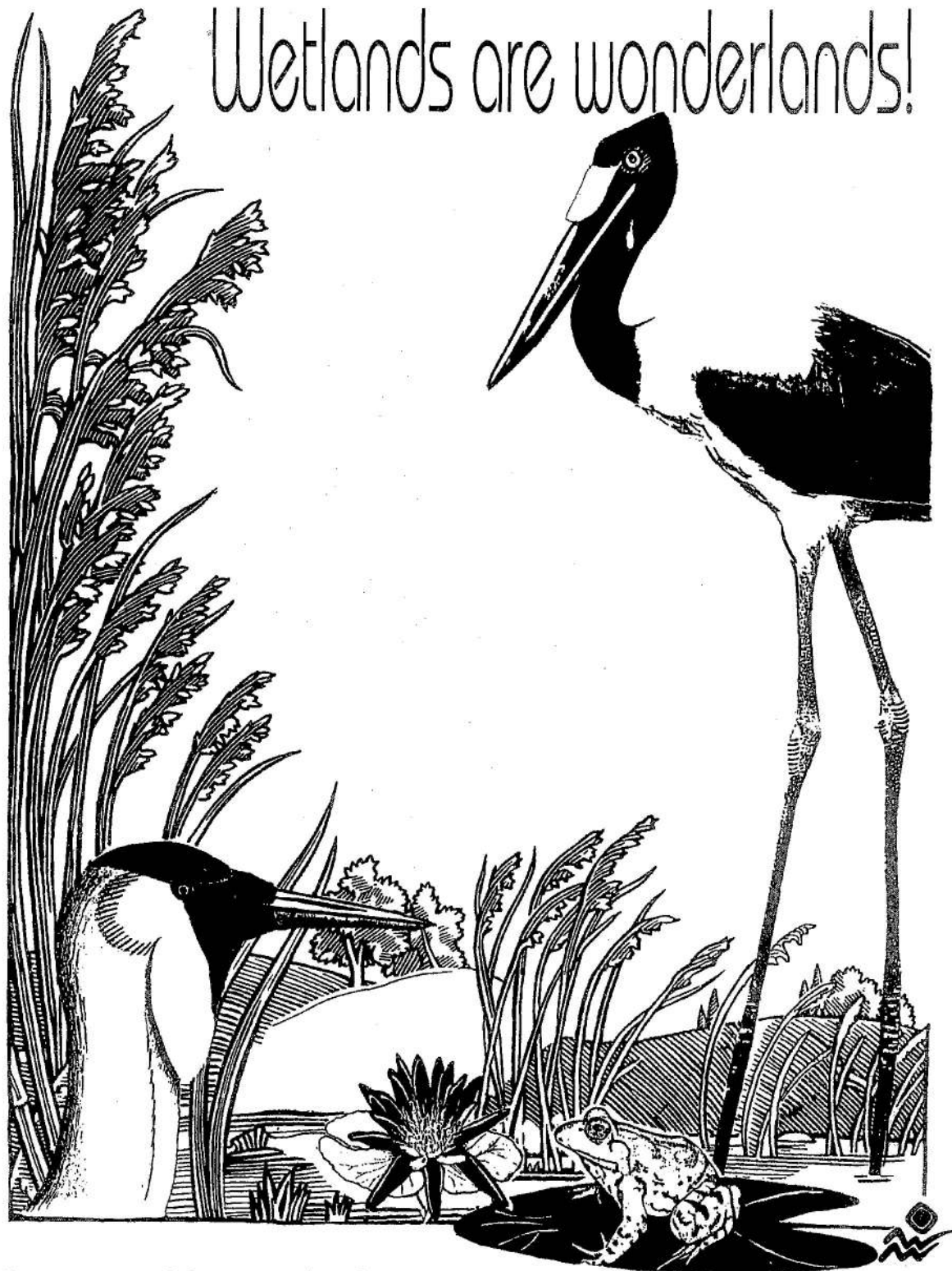
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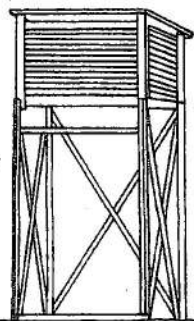
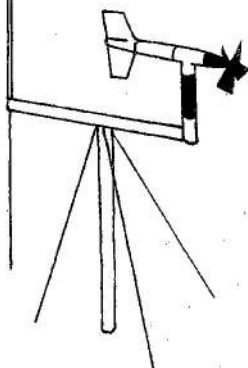
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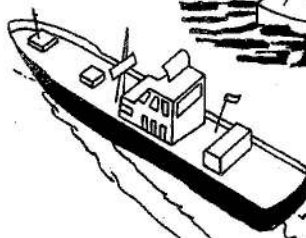
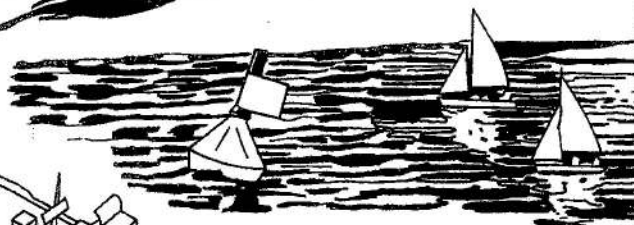
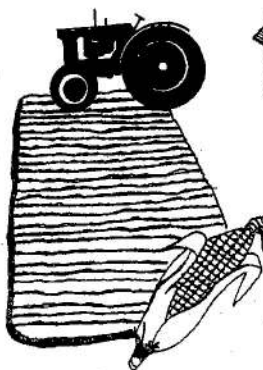
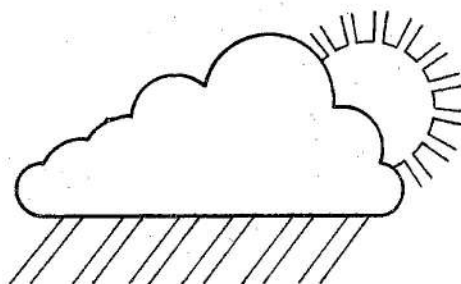
Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

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